

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

CASE NO: 445/2019

DATE: 2020-02-12

FORMAL INQUEST

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

into the death of the late

DR NEIL HUDSON AGGETT

BEFORE THE HONOURABLE MR JUSTICE MAKUME

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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PROCEEDINGS RESUME ON 12 FEBRUARY 2020 [09:38]

CLERK: This is the inquest in the matter of Doctor Neil Hudson Aggett, case number 445/2019.

COURT: Thank you.

MR MOHAMED: As it pleases the court, M'Lord. M'Lord, there has been a request made during these proceedings for photographs to be taken of cell B10 of John Vorster Square, M'Lord. The photographs has subsequently been taken by an official photographer under the employ of the South African
10 Police Services. M'Lord, a copy has been provided to all the, all my learned colleagues M'Lord, I beg leave to hand up a copy for the court.

COURT: Thank you.

MR MOHAMED: It will be marked as ANNEXURE H2. M'Lord, I just wish to reiterate that the photographs depict the interior of the cell and are merely meant for the purposes of court proceedings only.

COURT: Okay. Thank you very much. Okay.

MR MOHAMED: M'Lord, H2.

20 COURT: Thank you.

MR MOHAMED: M'Lord, with regards to, there was a further request made that Public Works be engaged to provide feedback on the updates made, the updates and structural repairs made to John Vorster Square and specifically in relation to the 2nd floor.

M'Lord, in this regard I understand that my instructing attorney is in communication with Public Works, however be that as it may M'Lord, they do not have any special favour with the Department of Public Works and has to follow the due process in obtaining such.

COURT: I cannot understand, where is the difficulty in getting that?

MR MOHAMED: M'Lord, with regard to the request made to Public Works M'Lord, they do not experience any favour with
10 the Department of Public Works, so as such a request had been made, but due process has to be followed, M'Lord.

COURT: Okay, the information will still be forthcoming?

MR MOHAMED: I am explained it should forthcoming, however...

COURT: Okay.

MR MOHAMED: With... after due process has been followed and same has been provided to my attorney, M'Lord.

COURT: Okay. You said these photos will be marked exhibit of ...[intervenes].

20 MR MOHAMED: H2.

COURT: H what?

MR MOHAMED: H2.

COURT: 2. Thank you.

MR MOHAMED: As the court pleases, M'Lord.

COURT: Okay, thank you.

MR VARNEY: M'Lord, we also have a little bit of paperwork to deal with.

COURT: Yes.

MR VARNEY: M'Lord, the first issue is the complaint made by Athol Trollip in relation to the allegation made by Jabu Ngwenya that his brother was involved in an, some of these matters related to the Aggett proceedings.

We brought the complaint to the attention of Mr Ngwenya, who, now that he has had the benefit of further
10 recollection, wishes to offer an apology and withdraw that particular statement. With the leave of the court, I would just like to read into the record the letter that has been sent to Mr Trollip.

COURT: Okay.

MR VARNEY: A very short letter. The letter is from Mr Jabu Ngwenya and it reads as follows:

"Dear Mr Trollip

It has been brought to my attention that you are not
20 the brother of the Captain Trollip of the former security branch of the SAP who interrogated me while I was detained in 1981 and 1982, I was misinformed, I have instructed the attorneys for the Aggett family to withdraw my statement to this effect before the inquest into the death of the late Doctor Neil Aggett, currently underway in the high court,

Johannesburg. The attorneys will read out this letter in open court. My sincere apologies for any embarrassment or discomfort caused to you and your family.

Yours sincerely.

Jabu Ngwenya.

COURT: Thank you. Is Mr Ngwenya here to...

MR VARNEY: Mr Ngwenya is not here.

COURT: Alright. Is in the letterhead of the attorneys?

10 MR VARNEY: He sent the letter in his personal capacity.

COURT: And he is a... his attorneys wants to raise that letter to Mr Trollip.

MR VARNEY: And we were asked to read it out in open court and it was done now.

COURT: Thank you. Thank you very much, I have, I will take it, or let it in.

MR VARNEY: M'Lord with the leave of the court, there must be hand up some further paperwork. We have been promising for some time that we would hand up the missing B2 folder
20 from the first inquest as soon as we got it, so we have received digital copies, we are still waiting for the authenticated copy from the archives of the University of Sussex in the UK. But given that time is short, we thought we can circulate the digital copies that we have printed. M'Lord, we are of the view that since the B2 folder already exist in the record of the first

inquest, except it is empty, as of now we do not need to put up a new exhibit number.

COURT: Okay.

MR VARNEY: For the two can simply slot into the missing B2 in the exhibit list of the first inquest.

COURT: Okay.

MR VARNEY: We have divided up the paperwork into two bundles, one deals with statements of detainees, one deals with statements of police officers and M'Lord there is, we are
10 simply using the same index for each bundle that was used in the first inquest.

COURT: *Ja*. Okay.

MR VARNEY: M'Lord, the next document we would like to hand up will be an exhibit, it is the transcript of an amnesty hearing that we will be making reference to during the course of these proceedings.

The amnesty hearing of Mr William Charles Cecil Smith and the application number is AM5469/97 and M'Lord this was an amnesty application in respect of the conduct of Mr Smith in
20 relation to the detainee Prima Naidoo.

Now M'Lord in the first inquest Mr Smith in his evidence, and we can refer the court to EXHIBIT B5.1.1 at page 2 of the exhibit, he denies that Mr Naidoo was assaulted by him or in his presence. In his application before the Truth Commission, he ask for amnesty of the crime of perjury.

It appears that it is at some later stage he withdrew the application, but nonetheless the application was made and the hearing was held and we would like to mark that EXHIBIT G30.

COURT: Okay.

MR VARNEY: And then M'Lord, finally from our side, we promised to hand up the photographs that we have been able to obtain of some of the protagonists in relation to these proceedings, at least the police protagonists.

And M'Lord these photographs were taken, we are
10 advised, outside the magistrate court dealing with the civil claim for damages launched by Mr Auret van Heerden. The photograph is currently based in Boston, America and we have asked the photographer in question to make out an affidavit confirming that these are photographs that he took.

As soon as we get that affidavit, we will hand it up. We also prepared a separate key which are the individuals identified in each photograph as identified by the witness, Mr Paul Erasmus. M'Lord, we would like to mark these EXHIBITS G31.1 and G31.2.

20 COURT: Yes, thank you.

MR VARNEY: Thank you, M'Lord.

MS SINGH: M'Lord, on the issue of, whilst we are still handing in affidavits, I wish to hand in the affidavit of Mr Carl Niehaus, M'Lord this was as discussed in chambers yesterday, the affidavit... the crux of it is, relates to two issues.

In paragraph 5.1 the factuality of the dates as were cited by Mr Nyampule to which Mr Niehaus has taken [indistinct] he indicates that he was not in detention at that period of time, but rather after Dr Aggett passed away.

And regarding the truthfulness of the claim of suicide attempts, as I recall it was not exactly what Mr Nyampule said, he had said that he had been told, rather than he had witnessed. In this regard M'Lord, we now hand in the affidavit of Mr Carl Niehaus.

10 COURT: Thank you. We mark it H... J?

MS SINGH: M'Lord I think we should continue on the issue of affidavits, perhaps G30 if my memory serves correct?

MR VARNEY: M'Lord, I think we might want to distinguish between the exhibits handed up by the family representatives and those by the state. So I think yours will be F ...[intervenes].

MS SINGH: J1, then it will be J. F was... if you want to continue from how ...[intervenes].

MR VARNEY: No, that is entirely up to you.

20 MS SINGH: Perhaps we should use then J M'Lord.

COURT: J?

MS SINGH: Yes.

COURT: Okay.

MS SINGH: J1.

COURT: This is the first one, it is J1?

MS SINGH: Yes, M'Lord.

MR VARNEY: M'Lord, my attorneys point out that actually, because we have reached H, then the next letter would be I.

MS SINGH: I understand M'Lord, that there is always a problem with I.

COURT: Ja.

MS SINGH: So we jump I and we normally use J, but then ...[intervenes].

MR VARNEY: Okay, yes, yes, of course.

10 MS SINGH: It is in his Lordship's hands.

MR VARNEY: Yes, let us [indistinct].

MS SINGH: Thank you, M'Lord.

COURT: So we use J1?

MS SINGH: J1, M'Lord.

COURT: Thank you. Adv Mlotshwa, you were on the floor yesterday.

MR MLOTSHWA: As the court pleases, M'Lord.

COURT: The witness, Mr Paul Erasmus please come to...
Mr Erasmus, you have taken an oath already, you are still
20 under oath.

MR ERASMUS: I understand M'Lord.

PAUL FRANCIS ERASMUS (still under oath)

COURT: Thank you. Continue. Thank you very much.

MR MLOTSHWA: As the court pleases, thank you M'Lord.

EXAMINATION BY MR MLOTSHWA (continues): Mr Erasmus,

do you recognise that photograph that has been handed to you now?

MR ERASMUS: I do, M'Lord.

COURT: What is it, which photograph?

MR MLOTSHWA: It is GK15 M'Lord, it is the photograph of the keep cell.

COURT: Where is it?

MR MLOTSHWA: If you may just show it to the court, Mr Erasmus.

10 COURT: Thank you. What is the answer?

MR MLOTSHWA: Yes, he does recognise it M'Lord. Where did that come from?

MR ERASMUS: M'Lord, this was one of four photos of, that were taken in the cell where Dr Aggett died, the first three were photos of him actually hanging in the cell and which were lost, stolen... I can give no explanation because these, all of my documents and photos went to the Truth and Reconciliation Commission. When I was visited two months ago by the investigating officer, Warrant Officer Frank, we were going
20 through some photos and this photo emerged and it is one of the actual four, the other three we searched right through all the photos, the other three unfortunately were lost. They were given to me M'Lord, by a Warrant Officer Roy Baker who is the official in-house photographer of the South African Police and I have got a huge collection of photos, most of which came from

Roy Baker, because we both shared a common interest in photography. And he would give me interesting stuff and if I ever took interesting photos, because I did all my own photography as a security policeman. I would in turn get him to, obviously he would do the developing and he had a little private collection as well. That is the origin of this photo and it is the kikoi I think it is called, it is like a scarf with which Dr Aggett hanged himself, or was used in his death.

COURT: Was the question not where did the scarf come from,
10 or where the photo?

MR MLOTSHWA: The photo, M'Lord.

COURT: The photo?

MR MLOTSHWA: Yes, the photo M'Lord.

COURT: Okay. So he says from Warrant Officer Baker?

MR ERASMUS: Roy Baker, M'Lord. R-o-y, first name.

COURT: Okay.

MR MLOTSHWA: Yes. So you say you had four of these, but you cannot find the others?

MR ERASMUS: The other three are gone, I cannot even
20 explain what could have happened to them.

MR MLOTSHWA: Mmm. And yesterday you told us about a recording that you made, that you might have made during your conversation with Whitehead. What happened to that instrument that you used to record your, the recordings?

MR ERASMUS: M'Lord, I can just ask you, the machine or the

actual tape?

MR MLOTSHWA: The actual ...[intervenes].

MR ERASMUS: The machine?

MR MLOTSHWA: The actual tape.

MR ERASMUS: The tape I kept in my safe for all these years, I since handed it over to, once again to the investigating officer. The machine, apparently the five that were owned by the South African Police have all since been lost, stolen, scrapped, who... I do not know.

10 MR MLOTSHWA: I see. Whilst this tape was in your possession, did you ever tamper with it?

MR ERASMUS: M'Lord to be quite honest, I have got so much accumulated stuff in my safe, there was a long time that I did not even know that I had it there, it was lying in a box with badges and stuff like that. Nobody has ever had access to it, I think to answer your question sir, apart from myself.

MR MLOTSHWA: And you yourself did not tamper with the tape?

MR ERASMUS: No.

20 MR MLOTSHWA: Okay.

MR ERASMUS: I may just mention that that tape can only be played on the machine that it was made to be used with and that is the Nagra recording machine.

MR MLOTSHWA: Thank you. Mr Erasmus, perhaps you may help me here, I am trying to get to the mentality of the security

branch police officers, what motivated them, what made them to do these things that they did to the detainees?

MR ERASMUS: Maybe I can use myself as an example, albeit pathetic of what motivated us, I think it was much, very much the training that we received. For me it was a knowledge that I gained M'Lord, as a young man at school, being in a Christian environment, there was an organisation called Christian Missions International which had quite a big effect on me, I have still got some of their newsletters in fact. They were
10 putting out the fact that communism was crushing, or trying to crush Christianity and I used to go to their meetings and I was a member of the, I think it was called the SCA, Student Christian Association at the school that I went to, Queens. And we would all go as a group to some of these meetings and I think even as a young policeman I remember giving them money at one time, which was quite large for me to do, given that my salary was ...[intervenes].

MR MLOTSHWA: Yes.

MR ERASMUS: R225 a month.

20 MR MLOTSHWA: Ja, and the training ...[intervenes].

MR ERASMUS: And I was quite committed and that...

MR MLOTSHWA: I am listening.

MR ERASMUS: That was quite a motivational thing and then of course jump ahead to the riots and here I saw what I had learned from these people, I was seeing it first-hand and then

right through our career, our training in the police.. and if one looks at the old Police Act, M'Lord the very first point was not protecting people, it was the four points that we took an oath for when you joined the South African Police, number 1 on the list was the preservation of the internal security of the Republic of South Africa. It was drummed into our heads. I might just add that this was, when I talked about this in Denmark, the Danish police could not fathom that this was community policing, you know, how did you reconcile community policing
10 with the functions of, traditional functions of policing, where policemen in South Africa carried assault rifles, the bayonet drill and reason for that was obviously falling within the ambit of this preservation of the internal security. In practice M'Lord, the very first so-called terrorist incursions into South Africa, the first line of defence was not the South African Defence Force at all, it was the South African Police with the first units in the so-called border war and of course that fought in Rhodesia.

MR MLOTSHWA: Yes. And... I understand you, but then if
20 this was then the training that you had, did you not have same training with the ...[inaudible].

COURT: Sorry, same training what?

MR MLOTSHWA: Same training with the black officers.

COURT: Oh.

MR ERASMUS: I cannot really comment, ...[intervenes].

COURT: You ...[intervenes].

MR ERASMUS: But I ...[intervenes].

COURT: You mean black ...[intervenes].

MR ERASMUS: Black policemen.

COURT: Security branch officers or South African police?

MR MLOTSHWA: Well he says is the police training that made them to act like that, my question is, did they not have the same training with the black officers.

MR ERASMUS: M'Lord, that is a very good question. To the
10 best of my knowledge, it was much like was referred to those
years as bantu education, was vastly different from the
education that white kids got at school. I do not have to
remind the court and go back to statements made by Hendrik
Frans Verwoerd about; we will educate black people only up to
the level that we could use them for labour. I should imagine
that the black policemen's training was totally different,
certainly we were not trained together. Those years the black
training, black policemen's training facility M'Lord, was at
Hamanskraal and we were trained at Polcol in Pretoria.

20 MR MLOTSHWA: I am with you, sir. Were there any rewards
for good deeds, for achievements in the security branch unit?

MR ERASMUS: There was indeed M'Lord, if they could not
promote you, there was always other areas that you were
recognised in. Award today is a sign of respect, something
that took me 15 years and there was a time in my life when I

was the proudest person and that is the tithe that I got on was unique to an inner core of security policemen and I might just mention it is the last I will ever wear it, but I wore it today with particular relevance. It has got a badge on it with two chess pieces, rooks facing, looking outwards and above it is the police star and in the darker areas of this, that identical image has been threaded into it, which is hardly recognised, you really have to look very hard. This was given to you in acknowledgement of being in the inner sancto sanctorum of the security branch, you were trusted and I might just mention, there was a huge group of the security branch did not know what the rest were doing. They used to talk from head office M'Lord, as the naughty boys, trustees which existed all over and it is for that reason that, if I can just refer to my evidence yesterday, with Broodryk I was one of the, became one of the naughty boys, so there were bonuses. I was given my police car once, with unlimited money, apart from what I was stealing out of the secret fund and told to take my wife and have a break by going to some place in, I have forgotten the name, very upper market establishment and go and spend a week there and relax. So these were the type of benefits and we were doing basically what you liked and I think this is one of the things M'Lord, that I can mention was that for many years of my life I did not work under any supervision, I was my own boss, worked in my own time. If I had, for example partied too

much the night before and I did not feel like going to work the next morning, I would simply phone in and say I am going to see an informer and take the day off and lie at the swimming pool.

MR MLOTSHWA: *Ja.*

MR ERASMUS: So it was very unlike the discipline of the uniform policemen, where it was very, very rigid and controlled.

MR MLOTSHWA: Yes. And was there any pressure exacted on the interrogators to achieve certain goals?

10 MR ERASMUS: Very much so, a lot of people were kicked out of the security branch for non-performance. Achieving results was the A-Z of it and as I mentioned yesterday in my evidence and I can only repeat it M'Lord, was the job had to be done, how you did it and what methods you used, was your, very much your business.

MR MLOTSHWA: Yes. As long as you achieved the results.

MR ERASMUS: As long as you got the results and the same would apply to interrogators. I mentioned yesterday M'Lord and I can repeat it, great question; the difference between the
20 pressure on interrogators in South Africa and on the border, there was not that type of, you had to get a confession or get the information immediately.

MR MLOTSHWA: Yes.

MR ERASMUS: Whereas in Namibia, on the border, it was a little bit different.

MR MLOTSHWA: Ja. So you were, the higher accolades of the security branch officers were not concerned whether you achieved your goals through legal or illegal means, as long as you achieved the...

MR ERASMUS: That is correct, M'Lord.

MR MLOTSHWA: The results.

MR ERASMUS: In fact M'Lord, I could mention that in the late 80's it was very difficult to distinguish between criminality and what was legally being applied. I mean, eventually we all knew
10 about the CCB that Vlakplaas had been set up, I mean, we were operating totally above the law so... I was no different to the rest of my colleagues, I mean we did basically what we liked, we committed fraud on a grand scale from the secret fund. There was a stage in my marriage for example, that I could not distinguish between my own finances and government finances. I would take amounts of R20 000 and go to the bank and pay informers, take my own commission on it, my son's mother and I lived by going out to restaurants, I helped myself to government petrol that was... and we did not think anything
20 was wrong because of that famous phrase; '*ons doen dit vir die saak*' it is for the cause ...[intervenes].

MR MLOTSHWA: Are you ...[intervenes].

MR ERASMUS: And that was ...[intervenes].

MR MLOTSHWA: You are doing it for a cause.

MR ERASMUS: For the cause.

MR MLOTSHWA: Which was?

COURT: The *staat*.

MR MLOTSHWA: Said...

COURT: He said the *staat, ons doen dit vir die staat*.

MR ERASMUS: *Ja*.

MR MLOTSHWA: Oh, okay.

COURT: The state.

MR MLOTSHWA: I thought he said for the cause.

COURT: For the state.

10 MR MLOTSHWA: Oh, for the state.

MR ERASMUS: Of course now M'Lord, with the benefit of hindsight, the ultimate aim of this was to keep the nits in power, but you know that is maybe another topic.

MR MLOTSHWA: What rank was Whitehead at the time when you had a dealing with him, when you went with him to the Cape?

MR ERASMUS: He was a commissioned officer M'Lord, he was a lieutenant.

20 MR MLOTSHWA: Lieutenant. And he was a young man at the time?

MR ERASMUS: Yes he was, I think he was in fact younger than me.

MR MLOTSHWA: Mmm.

MR ERASMUS: But he had a rather meteoric rise, once again I did refer to it yesterday, most of us battled to write exams...

MR MLOTSHWA: Ja, he must have been of the youngest in his rank?

MR ERASMUS: It is possible.

MR MLOTSHWA: To be a security branch police officer, was there a selection process that was done or how was one selected?

MR ERASMUS: M'Lord there was various aspects here, the first thing that they looked at was obviously your background and they did a security clearance called a Z204, Z204 on you as a person. They looked at your family origins, language you spoke, the religion you spoke, and then like in my case I was summoned to John Vorster Square and I did an interview, arrived there in my blue uniform, I was terrified, sat in this huge office and was given these forms to fill in. And M'Lord, made the worst mistake of my life, my pen did not have ink in it, I had to go and interrupt this very angry, scary individual who was a Colonel Viviers and ask him for a pen.

MR MLOTSHWA: Mmm.

MR ERASMUS: And then of course he went through all of this and he was saying things like, but you are a Methodist and I was not in the *staat se kerk, die moederkerk, die NG* ...[intervenes].

MR MLOTSHWA: Ja.

MR ERASMUS: Type of thing. And then of course he hit on the fact that, as I mentioned, I think I did refer to it yesterday,

he had a connection with my family going back to the 1930's, in fact him and my uncle were in police college together.

MR MLOTSHWA: I see.

MR ERASMUS: So I was immediately in, because that area of possible security problems was cleared. The other aspect was that my father was a senior government official in his own right.

MR MLOTSHWA: Ja. So there was a way of appointing people.

10 MR ERASMUS: Correct. That is correct M'Lord.

MR MLOTSHWA: In a nepotism style.

MR ERASMUS: That is correct. I think Whitehead actually is the best example, his father was a brigadier, I do not think he even went through anything apart from a formality, it would have been an automatic thing for him to go to the security branch.

MR MLOTSHWA: I see. And tell us, why were the black security branch officers not generally used as interrogators?

MR ERASMUS: I think it was a big issue of racial trust, with
20 the exception of Sons was very highly trusted and regarded. Another more senior black officer was Mogoro, had a very good record behind him. I was with him at the bedside of President Seretse Khama when he died in Johannesburg, I was on a... at that time just seconded to work around the shifts while he was in hospital and I saw the interaction between Mogoro and the

Botswana... call them secret service, I cannot remember what they were called, that were protecting the president and it was quite amazing, he was a very professional person.

MR MLOTSHWA: Who, Mogoro?

MR ERASMUS: Mogoro, *ja*.

MR MLOTSHWA: Mmm.

MR ERASMUS: And trusted a lot by the white officers.

MR MLOTSHWA: Yes.

MR ERASMUS: The rest of... interesting statistic, there was
10 more black security policemen than white security policemen throughout South Africa, but generally not trusted, they were worker bees around the rest.

MR MLOTSHWA: Yes. And were there any female interrogators?

MR ERASMUS: I will have to think of this... there was, John Vorster Square there was a Warrant Officer Sheila Brown.

MR MLOTSHWA: Sheila Brown? She was an investi... an interrogator?

MR ERASMUS: She would have sat in on interrogations where
20 a female was, a suspect was, for example Barbara Hogan.

MR MLOTSHWA: Yes.

MR ERASMUS: There would have been a female present. I think she was called in, but I am pretty certain that she worked on the investigation branch as part of their staff.

MR MLOTSHWA: And tell us about Prof Plump, the one from

Wits, was he the same Plump that gave evidence in the inquest, in the inquest in 1982?

MR ERASMUS: I presume so, but I have no direct knowledge of that, I cannot say with any certainty M'Lord, whether that was him or not. I would presume it was.

MR MLOTSHWA: And whilst you were in that inquest, you told us that you were, you attended the court in numbers to instil fear and intimidate... were you intimidating the witnesses?

MR ERASMUS: Well I suppose that was part of it, M'Lord, but
10 it was also a place for us, because of the interest there amongst the so-called left-wing community to look at suspects and who knows, we could have been lucky and recruited somebody to work for us, or... but the basic thing M'Lord, I think you are quite correct, would be the intimidation of our opponents as it was.

MR MLOTSHWA: Who would be the witnesses?

MR ERASMUS: *Ja*.

MR MLOTSHWA: Like ...[intervenes].

MR ERASMUS: Correct.

20 MR MLOTSHWA: Mr Smithers.

MR ERASMUS: *Ja*.

MR MLOTSHWA: Jabu Ngwenya ...[intervenes].

MR ERASMUS: And even as I mentioned yesterday, Mr Bizos himself.

MR MLOTSHWA: *Ja*. Do you think that your intimidation

tactics worked?

MR ERASMUS: I could only speculate M'Lord, I think generally the, if you go back to those years, the security branch, even the men... and the mention of a name did instil some fear or terror into a lot of people and we did rely on it, I know I certainly did.

MR MLOTSHWA: Yes. Whilst we are on the question of the inquest, I am not sure whether you will be able to answer this question, but do you know any inquest in which a detainee died
10 in detention and the outcome thereof would have been that the police were responsible for his death?

MR ERASMUS: I think I am reasonably accurate M'Lord, if I state that there was not such a thing. Nobody was ever ...[intervenes].

COURT: There was never?

MR ERASMUS: Nobody was ever found guilty M'Lord or ...[intervenes].

COURT: Responsible, was found responsible.

MR ERASMUS: Responsible for a death in detention.
20 Whatever came up and I refer once again to, he had become a great friend of mine, Mr Roger Lucy song's, the words of it, some slipped on bars of soap, others hung themselves, others fell, others jumped down the stairwell.

MR MLOTSHWA: Yes. And there were few of these detainees that were brave enough to lay charges against the police,

security branch police officers, do you know of any of the security branch officers who was found guilty of any assault on a detainee?

MR ERASMUS: I do not M'Lord and I would be surprised, or quite fascinated to hear that somebody were charged and those charges were ultimately successful, I do not think that happened. Once again, what we did to Rocky Williams after three odd charges that he laid against myself and the sergeant, there was ways of dealing with that.

10 MR MLOTSHWA: *Ja.* Mr Erasmus if it may be put to you that the security branch officers were complying with the law of the time, what would be your view on that?

MR ERASMUS: Most definitely not M'Lord, operating with one foot in the law and one foot outside the law, but operating with the full knowledge of government of the day, the regime of those years knew exactly what was going on. To imply that they did not and what came out in the TRC is absolute rubbish. With the amount of publicity that all of these matters received, that they did not know what was going on actually can be
20 interpreted in two things; they were too useless to know what was going on, or they were turning a blind eye. And I do not think I would be wrong in saying that people like de Klerk turned a blind eye to it, he was at the cabinet meeting when StratCom was discussed and he was president before and after and his operations carried on and the cover-ups carried on.

MR MLOTSHWA: Yes. And what would you say, if one may say that you are giving this type of evidence because you are a bitter man, because you were never promoted to a higher rank than a warrant officer?

MR ERASMUS: Well that is a very good point, but I think anybody would change your opinion and I will admit in this court that I was the most committed ideologue, I was decorated and commended and given all sorts of things. But when somebody tells you that the people that you served so faithfully
10 for all those years and through so must, have simply by; 'ah, we will deal with this problem, but we will make some political mileage out of it, we will blow his wife and children, one... my son is sitting here in the court, was a little boy then and they grew up helping daddy look under the car for limpet mines. I turned on them, I would have betrayed them, if I could have gone to Moscow and offered my services to the KGB M'Lord, I would certainly have done it. I then realised what a ruthless, fearful master I have been serving those years and how I had been duped, because they were nothing better all the way from
20 top to bottom than a gang of criminals and they ran this country.

MR MLOTSHWA: Yes.

MR ERASMUS: And nearly ran it into the ground.

MR MLOTSHWA: I am with you.

MR ERASMUS: I am bitter.

MR MLOTSHWA: Mmm.

MR ERASMUS: I would say I am bitter.

MR MLOTSHWA: Yes.

MR ERASMUS: Of course I am bitter.

MR MLOTSHWA: But being bitter would make you to give false evidence?

MR ERASMUS: No. I can mention M'Lord, that my amnesty application was heard by three judges that were chosen for this task, the one was a so-called right-wing Judge Mr Hartzenberg, 10 but the senior judge was Judge Sisi Kampepe, who said in her findings that I took truth to another dimension. I have always fallen, abided by that and I am... I try and be proud to say that if I do not know if it is true or not, I would say so, but she certainly through all of these incidents that were examined, found that I was telling the truth. I would not fabricate anything for the sake of being bitter, or revenge.

MR MLOTSHWA: Is there anything other thing that you may tell us that perhaps would be of help to this inquiry?

MR ERASMUS: M'Lord, if I may, I would just like to, I suppose 20 publicly apologise and thank the late Dr Aggett's family for their attitude to me and it is very difficult to even say this, I am very sorry for the role that I played in it, if I could turn the clock back, I would have been over the border at 17 years old and gone to a new life and never been part of this. I really am very, very sorry although it is...

MR MLOTSHWA: *Ja.*

MR ERASMUS: It is not going to change anything.

MR MLOTSHWA: That is right.

MR ERASMUS: But I am.

MR MLOTSHWA: That is right. Whilst you, we are on that, did you have any personal dealings with Dr Aggett?

MR ERASMUS: No. None whatsoever M'Lord.

MR MLOTSHWA: But did you know him?

MR ERASMUS: Not at all. I in fact found it very hard to even
10 remember him, having seen the detainees being conveyed to
the cells and back and the food parcels, everything, I could
never... I cannot remember actually seeing him, not even at a
distance.

MR MLOTSHWA: M'Lord, may I just confer with my colleague?

M'Lord, I have no further questions, thank you.

COURT: Okay, thank you. Adv Coetzee?

MR COETZEE: Thank you, M'Lord.

EXAMINATION BY MR COETZEE: Mr Erasmus... Mr Erasmus,
why did you join secret services, secret branch, security
20 branch?

MR ERASMUS: M'Lord I had no intention of joining, I had in
fact when I had joined the South African Police I do not think I
actually knew there was a thing called the security branch. I
had wanted to do my national service and get that obligation
out of my way and get, carry on with my life. Unfortunately as

a uniformed policeman in the middle of this, June 16, 1976 I found myself in Soweto and other areas with a rifle in my hands and saw terrible things which affected me very deeply, and a lot of other policemen as well, I might add.

MR COETZEE: In joining the security branch and in working there at the stage when you were working there, did you think you were doing the right thing?

MR ERASMUS: Absolutely.

MR COETZEE: And is it correct to say that the right thing at
10 that stage according, if I consider your evidence correctly here, is to prevent communism from spreading into Southern Africa?

MR ERASMUS: M'Lord, that is absolutely 100 percent correct.

MR COETZEE: And in fact at that stage it was a criminal offence to be a communist in South Africa.

MR ERASMUS: That is correct, M'Lord.

MR COETZEE: As well as to be part, or member of the ANC.

MR ERASMUS: Correct M'Lord.

MR COETZEE: Or to assist them in any way.

MR ERASMUS: Correct, M'Lord.

20 MR COETZEE: Now obviously your work was different from the interrogators or the investigators work, there were two distinct departments, if I can call it that and one was, let us call it the dirty tricks and one was the investigative units which would do interrogation.

MR ERASMUS: Eventually it sorted itself out into that type of

structure, I worked in StratCom and eventually we even left the blue building, sorry John Vorster Square and worked from private offices. In fact, we were even banned, just to answer your question sir, we were even banned from going to the blue building because of maintaining security.

MR COETZEE: And but in 1980, 82, were you still in the John Vorster Square building, the blue building?

MR ERASMUS: Correct, M'Lord.

MR COETZEE: In your work then as, in the StratCom
10 department if I can call it that, for lack of a better word, but it did sometimes happen that you become involved in investigation and interrogation?

MR ERASMUS: It did happen M'Lord, for example in the mid 80's I think it was, with the bombs going off, they pulled people from all over and I was one of them, we were trying to find these people that were setting off, firstly the bomb in East London and the bomb at Hillbrow Police Station and so on, so we all worked on that.

MR COETZEE: If I can be more specific, in 1982, at that
20 stage have you been involved in investigations and interrogations?

MR ERASMUS: On a very limited scale M'Lord, I cannot actually recall an investigation where I was seconded, apart from doing menial tasks like I did with Mr Maurice Smithers, were sitting in and as a young policeman that is, young

security policeman.

MR COETZEE: Was it in fact a situation whereby you worked on instructions, in other words there would be an officer or a more senior person that will task you or give you a specific instructions, you complete the instructions and you go back to your normal work?

MR ERASMUS: That would basically sum it up, M'Lord.

MR COETZEE: Do you know what was the aim of interrogation of detainees, what was the end game?

10 MR ERASMUS: It was a multi-headed thing, part of it might have been interpreted as neutralising this person's activities or the danger that this person might have posed, but the ultimate thing was to get a successful conviction in court, it would have been, I would say the major aim over there and to obtain information. There was also another factor and it did happen as well, where some of these people were turned and actually worked for us.

MR COETZEE: Yes. I am not saying that it was said, or that you said it, but this was not just an aimless brutality, this was
20 something that was done with a specific purpose of obtaining information and to get convictions of people that transgressed the law.

MR ERASMUS: Correct, M'Lord. I would actually add to that sir and say that we at that stage, and I believed it and it obviously was like that, we were fighting a war and this was

our response.

MR COETZEE: Now as in any organisation there were, there is good employees and bad employees, the professional standards that you observed amongst the people of the security branch, were they all of a highly professional nature, all the officers, were they very professional in their conduct?

MR ERASMUS: M'Lord there were exceptions, there was, I think it was the stress factor, there was a high alcohol rate, terrible suicide rate and equally high family breakup rate. I
10 know the pressure that I was under as a married security policeman, simply because I would disappear for two days or, it has happened on one or two occasions doing an investigation and get home, or I would just get home and my wife would say to me, so what did you do today? I could not say well I spent the day destroying whatever, or we are planning to bomb Cosatu house, I mean she did not know these things. So it was very difficult and very stressful.

MR COETZEE: The suicide rate that you referred to, was that amongst the security branch members?

20 MR ERASMUS: Security branch members.

MR COETZEE: Can you just perhaps elaborate, you say an extremely high number, what, can you give any indication in, is there... was it a regular issue or was it something that was rare or what?

MR ERASMUS: It was frightening regular thing that happened,

phenomena that happened. I have a photo of the first bomb explosion, were still guys sitting in Alexandra township M'Lord, manufacturing a bomb out of sticks of dynamite and it was the middle of winter and this, they were sitting close to the stove and eventually the house blew up and we went and we cleaned up this case. And I think there is, a photo was taken by Warrant Officer Roy Baker who was on the scene, of 14 or 15 of us field workers all standing there, some with overalls on and trying to put this scene together and if I look at that, and I
10 think I showed the Investigating Officer Frank that same photo, there is four of those people that have committed suicide, those policemen. And in anybody's terms, I think sir that would be frightening statistic.

MR COETZEE: And like yourself suffering from PTSD, were there other officers as well that suffered from post-traumatic stress?

MR ERASMUS: It was a terrible and common phenomena amongst policemen in general and particularly the security branch.

20 MR COETZEE: And would, is there any factor that you can perhaps indicate that caused that stress, or that it is particularly high amongst the security branch members?

MR ERASMUS: M'Lord most definitely, well exposure on a daily basis to horror, just particularly guys that worked with that type of stuff, my really good friend Warrant Officer Beyers,

Manny Beyers was a bomb disposal expert, so was Captain Struwig, Charles Zeelie. I watched Beyers fall apart in a minor, went to... just after the Westdene bus disaster tied cortex around his body and committed suicide. This was not a political act, but it fell within the ambit of inspectorate of explosives and bomb disposal component in the South African police, which were security policemen, he went to go clean this up and I met him that night and I would have gone home and got drunk, he just sat, he was not even drinking, he sat there
10 and cried like a baby. There was in this, what was left of this body, was a photo in a guy's hand, or what was left of that, of his children. So the effect on him was terrible, on all of us, was bad.

MR COETZEE: And in the ranks of the security branch, we have already talked about the inner sanctum, there... not everybody was equal obviously, or equally treated and I am not necessarily now dealing with the racial issues, but of the working offices there, were they all on the same level in, of trust and treatment?

20 MR ERASMUS: Most definitely not M'Lord, in fact there was some people that were trusted and I believe an extreme example of it, one of the people that I was instructed and other security policemen were instructed to kill, or get rid of, or whatever was the cabinet ministers private secretary. I do not know what he was, one could speculate and that was

Mr Adriaan Vlok, the Minister of Police, I think his name is Henny, he came there and we were called on side and he was welcomed simply because of his connection to the minister and I think he had to do his national service, he was a sergeant and we were told not only to not trust this guy, do not tell him anything, but get rid of him. Get rid of him as in he knew too much, which we did not do, I remember going to a *braai* at his house and this guy was, I must be quite direct, I personally thought he was gay, but we did not hurt him, I do not know
10 what happened to him after that. So he was definitely not trusted, to answer your question and there was others like him as well.

MR COETZEE: And was there a policy of a need to know principle at the security branch?

MR ERASMUS: Most definitely, M'Lord. You were told what you needed to know, once again to maintain security, so... do you want me to refer to an example?

MR COETZEE: Yes please.

MR ERASMUS: The poisoning of Reverend Frank Chikane,
20 the people that applied for amnesty and if you... how this worked was, my friend and colleague Beyers phoned me the one night and asked me for backup, he was going to do something and I obviously said to him what, he said I cannot tell you, he said this is like top level stuff. He came and he fetched me, we went to St Barnabas College at 1 o'clock in the

morning, I was armed to the teeth, very heavily armed as per his request, I was sick so I did not go with him into the place, I sat and parked the car and I think it is the Soweto Highway M'Lord, I cannot remember, but it was bitterly cold. He waded through this swampy water, got over the fence, broke into the place and came back, he did not tell me literally anything. The next stage of this, that was the need to know principle now being applied 100 percent, the security would be maintained in the sense that if something went wrong and they confronted me, I would have said what, I do not know anything. With great 10 honesty I could say I did not know anything. The next stage was, he was instructed to go to Johannesburg airport where a container had been opened, he was told by two officers, senior officers from police head office, Manie van der Linde, the... these were the resident security branch hitmen from head office, hitmen from head office. Gert Otto and Manie van der Linde were there and Beyers instructions were to go in and open the suitcases, leave the container and go and stand right away, they then went in... now we know this, put the poison on 20 the reverend's underwear I believe and they then just dropped the lids of the suitcases. They went and they called Beyers again, they said to him, you go back now... they were with him and he locked the suitcases and leave them exactly as they were. So he did not know what was going on as well, the need to know, he did not need to know about.

MR COETZEE: Thank you. Did that principle also extend to inside John Vorster Square there on the 10th floor, as to who was busy with what?

MR ERASMUS: Well when I say the need to know principle may be a little bit more difficult to know, once you worked in the building, what was going on around you. So it maybe would not have applied that rigidly, but yes it did apply in general, I think, most definitely.

MR COETZEE: And on your instructions, should you get
10 instructions from a specific officer to do something, was there then a report back? You then report back to that officer what you have done and what the outcome thereof was?

MR ERASMUS: Absolutely.

MR COETZEE: And also you write a report or was it not done written?

MR ERASMUS: Anything that was illegal was never recorded or written, a written report and my case books which are here in this court, I could go through them M'Lord and highlight specific things where I used a name or just referred to
20 something in general terms, but did not give the actual input. For example, Beyers and I burned out a reverend's car the one night, I referred to it in my case book as an inquiry and nothing further. I would not have written there, what I am trying to say to you sir, is Father Kingston Erson, Catholic Church, petrol bombing car. So there was a vague reference to it.

MR COETZEE: But was there reports written? Written reports apart now ...[intervenes].

MR ERASMUS: No.

MR COETZEE: From your case book, written reports that was submitted to the senior staff?

MR ERASMUS: Absolutely not. Until I worked for StratCom, because there, these were people that were, to use an intelligence word, intelligence community word, were indoctrinated, they knew what we were supposed to do and how
10 we were doing it, so you did give details in reports and the campaigns against various public figures I reported in great accuracy and in great depth. And in fact, the operations that I ran, I not only put it in writing, but we had seminars which were held from time to time around the country, where I actually gave a speech as the national coordinator of a particular project or operation.

MR COETZEE: Okay if we can perhaps go, more specific to the work on the 10th floor, the interrogation and investigation, were you, or are you familiar with the procedural aspects
20 thereof, from the instructions to finalisation of the interrogation?

MR ERASMUS: Well the taste that I had of it M'Lord, was two very high profile people, they were both convicted, I think Williams got 10 years and so did Marais, speaking under some correction, this was late in the 80's and of course they were

released under the general amnesty that came about with the new South Africa. I did report and were aware of what my instructions were, I did a daily report to the, I think it would have been Colonel van Niekerk, At van Niekerk possibly, I kept him up to date on a day by day basis, how far... how I was progressing with the two detainees.

MR COETZEE: With the interrogation you would report back to him ...[intervenes].

MR ERASMUS: Correct.

10 MR COETZEE: To say to him, that I have interrogated him and this is what he say, this is ...[intervenes].

MR ERASMUS: Correct.

MR COETZEE: What he do and that was oral?

MR ERASMUS: Yes.

MR COETZEE: And in the matters that you were brought into interrogate that was not necessarily your case, were you aware of what happened before and what happened afterwards to the person that you interrogated?

MR ERASMUS: Well you were, you had to know that to do
20 some sort of successful interrogation.

MR COETZEE: To know what happened before?

MR ERASMUS: Correct. When for example, let me think about this, Steven Marais had been interrogated before me and I was told this is what he said so far, I made notes of, I would record, I made notes and then went to go and meet the guy

myself and took it from that point.

MR COETZEE: And you, you basically pay... play forward because after you have done your interrogation you would then give the report, either to the next person or to the person in charge of the interrogation?

MR ERASMUS: That is correct, M'Lord.

MR COETZEE: And further you were not involved, unless you are again approached in this regard. In other words, the fact that you interrogate a person does not put you...

10 MR ERASMUS: In the full view ...[intervenes].

MR COETZEE: In the, in the... yes. The follow up work.

MR ERASMUS: Not necessarily, no not at all, I would agree with that.

MR COETZEE: Yes. Did you use violence in interrogation?

MR ERASMUS: I did.

MR COETZEE: And then violence as in the sense of beating people up and...

MR ERASMUS: Not severely ...[intervenes].

MR COETZEE: Shocking them ...[intervenes].

20 MR ERASMUS: Slaps.

MR COETZEE: Slaps.

MR ERASMUS: Not in South Africa.

MR COETZEE: Not in South Africa.

MR ERASMUS: No.

COURT: Where, where did you do it, in Namibia?

MR ERASMUS: In Namibia M'Lord.

MR COETZEE: I am not sure whether you can answer this, but some people are good in interrogation and other people want to force people in a very impact way to say something. I do not know if you have any experience in this regard, in relation to the ability of some people to interrogate and the inability of other people to interrogate?

MR ERASMUS: I would agree with that M'Lord, almost entirely. I remember Colonel van Niekerk with Steven Marais, 10 when I was given this baby to go and work with, van Niekerk gave me his opinions, he might have interrogate.. being the first person, one of the first interrogators of Marais, he said to me do not use violence on this guy at all, keep him in his place, he will try and get out of hand. He gave me a good thing, he said but do not... he would have obviously used the Afrikaans word; '*moenie hom donner nie*', do not hit him, just work gently with him, because he is a very gentle person, which I found and you know it actually worked in this case, I did put a lot of pressure on Marais, but without being violent.

20 MR COETZEE: Okay.

MR ERASMUS: What I did was make him write, the old story, write the statement, tear it up, make him write it again, eventually he was begging me to write and I think his final one was pages after pages, he wrote something like 90 pages, 80 pages. But in itself, that was for him a very destructive

process, but for us it was great because there was no come backs or violence involved.

MR COETZEE: In relation to the inquest of Dr Aggett, did you submit a statement to the prosecutors or was a statement drawn for you for purposes of the inquest?

MR ERASMUS: The first inquest?

MR COETZEE: Yes, the first inquest.

MR ERASMUS: No. The only statement I made, sorry.. to answer your question, was about the search, the illegal search
10 but as to the interrogation, I was not part of it.

MR COETZEE: Yes but that statement you made for the Somerset West matter, correct?

MR ERASMUS: That is correct.

MR COETZEE: And that is the statement where you indicated that General Coetzee or somebody there wrote notes on your statement.

MR ERASMUS: Correct.

MR COETZEE: So that statement had nothing to do with the inquest of, the first inquest of Dr Aggett in the sense that it
20 was presented there, or used in the, that inquest?

MR ERASMUS: Nothing to do with it.

MR COETZEE: Now the, the preparation of, of Lieutenant Whitehead that you have referred to in the trials and things like that, was that for the inquest or was that for the Somerset West case?

MR ERASMUS: Oh, sorry I did not understand you there for a moment, forgive me M'Lord. The preparation was for the inquest, not for Somerset West, he played no, almost no role in it, apart from he stood up with me in court and the magistrate said the charges of so and so, 1, 2, and 3 against you are withdrawn Mr Erasmus, you are being charged with whatever.

MR COETZEE: Now ...[intervenes].

MR ERASMUS: That was it.

MR COETZEE: Did I understand you correctly that it was only
10 Whitehead which prepared like that for the inquest?

MR ERASMUS: I think any security trial, a lot of effort went into keeping it stable, but I could not give you a specific example of preparation for other trials.

MR COETZEE: If I may... my instruction on behalf, from, it was Deetlefs for whom I had appeared, is that he was not aware or involved at all in any mock trials, he said he was never submitted or subjected to the mock trial, or never partook in a mock trial preparation.

MR ERASMUS: I cannot comment on that M'Lord, at all.

20 MR COETZEE: If I understand your evidence also correctly, there was a huge effort in protecting Whitehead, it seems that he was, there was an effort, a concerted effort to protect him in relation to the death of Dr Aggett.

MR ERASMUS: That is correct, M'Lord.

MR COETZEE: Did that extend to other personnel as well, or

was he specifically the object of the protection, was he more... was it more directed towards Lieutenant Whitehead, this protection?

MR ERASMUS: I would say that it was, I later found out as I mentioned, to answer your question sir... was I later found out about the double dealing with this whole thing and of course he knew from our trip down there, who his family connections were, but the protection that was around him, was to save him being, collapsing or falling apart under questioning from
10 Mr Bizos and was to prepare him for that and obviously for the state to win the case. I think it is actually a simp... quite simple as that.

MR COETZEE: *Ja* so, no I understand that the security branch did not want to have Steve Biko on its doorstep.

MR ERASMUS: Sure.

MR COETZEE: But if I understand your evidence correct and also your answer that you gave now, he was singularly protected as well, in his... because of his family or because of the rest of his career, but there was an concerted effort to
20 protect him.

MR ERASMUS: Yes, I think that I was sort of offered up on the altar of expediency, whereas he was not.

MR COETZEE: *Ja*.

MR ERASMUS: Once again it was, in this case it was certainly the officer, non-commissioned officer. I mean throw

the sergeant to the wolves, but protect the lieutenant and especially when he has got family connections like Whitehead had. I might just add there, that is the reason that he was in the security branch and probably the only reason.

MR COETZEE: Did you consider him to be an adequate, or a good professional interrogator.

COURT: Who, Whitehead?

MR COETZEE: Whitehead, yes.

MR ERASMUS: Well I never saw him interrogate anybody, but
10 I did spend a lot of time with him, firstly on that trip and for a while we were house friends until things went very, very... I almost use the Afrikaans word 'skeef' but I will swap it to the English 'skew' in our friendship.

MR COETZEE: Ja. Was he prone to violence?

MR ERASMUS: I would never M'Lord, have thought, if you knew the man, I would not have summed him up as the type of person that would beat somebody up. I can just mention that he was scared of physically, of getting hurt in any way and we played a lot of tennis against him and van Aswegen and simply
20 won the games by hitting the ball straight at him and not trying to win the, it would immediately make him fall apart. Which does not say much, but might be relevant, so I mentioned it.

MR COETZEE: The issue of, that you have testified as well about the fake Doctor Gregory for example that you referred to ...[intervenes].

MR ERASMUS: Deagan.

MR COETZEE: That he was a fake doctor. Was that commonly used, is that something that was often, or was that an ad hoc situation that he was presented as a doctor?

MR ERASMUS: Well I knew the one, in fact a lot of us knew about the one, because we all have... were summoned and told to go and scratch through our bottom drawers and see what we had that could be used to carry on this deception. Somebody came up with a bag that looked like a doctors bag, we prepared
10 the shoes in my office, that stuff remained in a steel filing cabinet. Deagan was then transferred to work on the 10th floor, so we did not see him as much as what we did before, apart from the odd get-together and go for drinks or stuff like that. So it could have happened on much more occasions than...

MR COETZEE: But you were only aware of once?

MR ERASMUS: Yes.

MR COETZEE: My instruction from Mr Deetlefs as well, is that he was not aware of that, he was familiar with Doctor Jacobsen as the district surgeon at that stage, he was not aware that this
20 person faked being a doctor, does not actually remember him that well either.

MR ERASMUS: Greg Deagan was just a constable in the security branch. Nothing more, but he had a very good acting ability and very, very slick way of talking, a good deceiver.

MR COETZEE: But in the, your testimony in relation to the

alternative route to the cells, can you remember when, time wise and more in particular in relation to 1982 were these alternative routes used to the cells, when did you use it?

MR ERASMUS: M'Lord I have pointed out that I cannot actually remember, I remember one thing, is that I could never find my own way there, but I do not have a good sense of direction. I always used to get somebody that knew, like the sergeant that worked with me, I would say to him we got to go down to the cells, like when we interrogated Marais, because
10 otherwise it would be a hell of a walk in lifts which were invariably broken. We would have to walk literally around the building, go to the charge office, get through their little red rigmarole and then go up to the 2nd floor. Whereas if you knew what you were doing from inside the security branch, it was simply a matter of going down the passage, going down the steps, but the exact... and I have pointed this out and insight to the exact way that it was done, I do not remember.

MR COETZEE: But once you reached the cells on the 2nd floor, do you then still go in at the same gate to the second
20 floor? I understand that the route might be different, to the 2nd floor.

MR ERASMUS: No you would not go past where the reception area was, there is, I think more than one possible way of getting in there, but I am not certain, my memory is also bad after...

MR COETZEE: I understand that.

MR ERASMUS: 39 Years.

MR COETZEE: You frequently refer to the non-commissioned officers versus the officers, was there a strong hierarchy in this security branch, in the difference between officers and non-commissioned officers?

MR ERASMUS: By nature, the work we used to do M'Lord, the rank thing kind of fell apart. I worked with guys like, because a general, Donald Aspeling and you might note I have just
10 referred to him by his first name and not by his rank. Outside any situation where he could have been embarrassed, he would have been very annoyed if you called him by his rank, he was one of us and hence extremely popular amongst everybody, the rank in far, whereas you had of course the characters were, was lieutenant, you know that rely on their rank and Whitehead was one of those people incidentally, he was so proud of this fact that he was Lieutenant Whitehead. In fact, on that very trip we arrived at Plettenberg Bay at 1 o'clock or 2 o'clock in the morning and Whitehead took great delight, because like
20 most police stations the policemen sleep at night, and he walked in.. He would let me the sergeant, the plebe, go and fetch the petrol book, he walked in and these cops, one was sleeping like this, lying back and they said to him, can we help you, well the guys said to him; '*ja, kan ek jou help*'. And he said I am Lieutenant Whitehead from the security branch, this

guy nearly wet his pants, papers went all over and jumped to attention, got the petrol book, they even came out and threw the petrol into the car. Now he found this very funny, I did not think it was funny at all.

MR COETZEE: And Major Cronwright, what was his... was he a very serious and difficult person?

MR ERASMUS: We had to call him by, he was a very difficult person, he was unpredictable, he was more than unpredictable, he was explosive, explosive personality but later on when we
10 became friends this did simmer down, but then he was not running the 10th floor, he was on 9th floor, this guys had been more into partying and being nice to him and as I mentioned, I ended up going to his wedding. He was wonderful, it was very nice and very, actually very sad.

MR COETZEE: But whilst he was on the 10th floor, he was commanding the people, he was a ...[intervenes].

MR ERASMUS: He was.

MR COETZEE: Third in command.

MR ERASMUS: He was. He was always there, a workaholic.

20 MR COETZEE: Now Mr Erasmus, as any person, non-commissioned I suppose, also a lieutenant or a... if you get instructions to do a certain job, were you able to deny that and say no, I am not prepared to do it?

MR ERASMUS: M'Lord I have had very, very few occasions in my career to refuse to carry out an order. One of them that I

did, I was instructed to investigate the AWB, Afrikaner Weerstandsbeweging, because of my experience with Cronrad and the national front and in one week I had identified the first bunch of senior policemen, brigadiers, the district commandant on the West Rand, were secretly members of the AWB. I then asked for an audience with General Erasmus and I went to him and I said sir, I have got a problem, I cannot do this investigation anymore. It got even worse, because I also identified people in my family that were members of the AWB, so I asked to be relieved of it. I suppose there is a difference for what you asked me sir, by asking to be asking to be relieved is something and demanded to be relieved.

MR COETZEE: Ja but refusing, bluntly refusing, if for example you get instructions, go in and interrogate for example Dr Aggett, can you say to him no, do not, I am not prepared to do that?

MR ERASMUS: I do not think you would have lasted long in the security branch if you tried something like that.

MR COETZEE: And by 'not lasted long', what do you mean, would you be transferred?

MR ERASMUS: You would have been transferred out or worse. I can give an example of... no, I cannot actually. No, forgive me.

MR COETZEE: I would like you to say, what is the 'worse' that you referred to?

MR ERASMUS: Cronrad's own son is on the security branch and when his father, Cronrad himself clashed with the hierarchy, something happened with his son and once again it was... no, it was not General Erasmus, it was General Malan called his son in and posted him from the security branch to the gate guard, to the boom operator where the vehicles come into the basement of John Vorster Square and that was a message like, I do not care who you are, or whatever, your son is under the same rules and regulations. There was a, comes
10 to mind and this is actually amusing, do you want me to mention something else about that?

MR COETZEE: [indistinct].

MR ERASMUS: He then asked, Cronrad's son was a constable, asked to see the general and was allowed one minute, walked in there and said he is sick of working, of being a *hekwag* so Erasmus said to him, in that case I am transferring you to Hekpoort which is like a three man punishment police station. The message being clear is you did not *neek* as we used to say, you did not try and take on the
20 people at the top.

MR COETZEE: I understand that.

MR ERASMUS: The command was absolute.

MR COETZEE: And was there any, at any stage any of the security branch members who tried to split on them, in other words to, to go and give evidence against any of the members

in relation to assaults or anything like that?

MR ERASMUS: M'Lord there was and this was a colonel, so it was not as easy then to send him to Hekpoort or to hell or whatever one would term it, it was a Colonel Coetzee who threatened to expose the theft out of the secret fund, which everybody must have had a hand in, because the effect on him was devastating. The first thing that they did to him was, we had stuff that was prepared by Roodeplaat Research Laboratory, or Bokpoort, is a government manufactured super
10 stink bomb and this was a stink bomb, M'Lord I can tell you that was awesome, the stuff never stopped stinking. It was a glass bottle, like the little ones that you get and wherever this stuff landed, the stench was absolutely overpowering and the idea of this was to break up UDF meetings those years. And I personally used it in St Mary's Cathedral in Johannesburg, I do not think they held a service there for two weeks, they had to remove the carpets and even some of the furniture. And I got some on my hands. Why I am mentioning this, is that they took a bottle of this stuff to punish Coetzee and threw it into his
20 police car and we watched him drive out ...[intervenes].

COURT: His car?

MR ERASMUS: His government vehicle, his police car M'Lord, we watched him drive out of the basement that afternoon with his head out of the window and the vilification of him was very open, somebody sloganed in the lift, I am sure Mr Deetlefs

would remember this, 'stinky Coetzee', the implication being that he was so stinking dirty that he actually went to head office to report these matters.

MR COETZEE: Perhaps let me ask you this Mr Erasmus, if you gave this evidence that you have given before this inquest in 1982, what would have happened to you?

MR ERASMUS: I do not think I would be alive. Honestly, I do not think I would be alive. Like I mentioned people that turned on the system, not even in the security branch, one of the first 10 jobs that I was given, which would have later been referred to as the StratCom action was a national intelligence, those years, BOSS or the Bureau of State Security field worker by the name of Arthur Mcgiven, an ex-Wits student worked for the Bureau of State Security and he stole, decided to leave South Africa, did not like what he was doing and stole from BOSS the file of Ms Helen Suzman who was then the leader of the opposition M'Lord. And he took it to London and the damage control was, all of us as field workers had to put out the word amongst the whole informer network that this man was a raving 20 homosexual, a sexual deviate, they threw everything at him, he was an alcoholic, who cared anyway. He was discredited before he could open, literally, stand up in London, whatever his intentions were, I do not know and I mention this because although he was not a security policeman, he was part of the security establishment.

MR COETZEE: At the stage when you did work on the 10th floor or that you were on the 9th floor, did you at any stage took action when you, for example heard somebody scream, that you go and take action, or go and see what was the cause of that or to intervene?

MR ERASMUS: You would have probably been in trouble if you had tried something like that, it just was not our business, you went there and you did, you knew that this was going on and security was maintained, generally speaking. I would
10 never have even dreamed of intervening.

MR COETZEE: My instructions from Mr Deetlefs also is that the files that were burned, he says... and this is just perhaps on the side, he says that he does not remember that it went to George Kogh, he says it was at Kaserne, there were ovens at Kaserne where some of these files were burned. Just for clarity sake.

MR ERASMUS: Academic, I remember I did not go and watch the actual burning.

MR COETZEE: *Ja.*

20 MR ERASMUS: But I do remember not being able to get into the building that day, as one of my rare visits at that time, because I was operating covertly, totally and they were bringing down these bags and the same bags that they used for the WH10 stuff, which were wheelbarrows with locks on them and loading them in the vans and the bus lifts were going

...[intervenes].

MR COETZEE: Yes, no ...[intervenes].

MR ERASMUS: Full blast.

MR COETZEE: He just corrected me, he said ...[intervenes].

MR ERASMUS: Sure.

MR COETZEE: It was Kaserne, there is apparently ovens there at Kaserne.

MR ERASMUS: I did not know that.

MR COETZEE: Then just, if I can just go back a little bit, the
10 statement that you saw of Dr Aggett when you were with
Lieutenant Whitehead in the car, was that a typed statement or
was it handwritten?

MR ERASMUS: Uhm... I am very... almost totally certain it
was typed, I am speaking under corre... I could be wrong, I am
actually trying to visualise it. Good question, I cannot actually
remember.

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

MR MOHAMED: M'Lord, I have got no questions for this
20 witness, M'Lord.

COURT: Re-examination?

MR VARNEY: M'Lord, just a few questions on re-examination.
M'Lord, my junior council has advised me that it is 10 past 11, I
am certainly going to need more than 5 minutes, so I was
wondering whether we should take the tea adjournment?

COURT: Okay, let us take a tea adjournment. Thank you.

COURT ADJOURNS [11:06] ~ ~ ~ [11:35] COURT RESUMES

COURT: Yes thank you, you may proceed.

MR VARNEY: As the court pleases.

RE-EXAMINATION BY MR VARNEY: Mr Erasmus, just a few questions arising from the evidence that you have provided under cross-examination by my learned colleagues. You mentioned in response to a question that you were close to a police photographer by the name of Baker.

10 MR ERASMUS: That is correct, M'Lord.

MR VARNEY: Can you just advise the court where Baker got the picture depicting the torn and knotted kikoi.

MR ERASMUS: M'Lord as I understood it, he was the, being the official security branch in-house photographer that he was summoned to the scene that morning and he photographed the body and this kikoi. That is my understanding, that is what I would say where the photo comes from.

MR VARNEY: Because what is interesting is that nowhere on the record of the first inquest have we picked up any reference
20 to Mr Baker, there is a reference to a Mr Mostert who took photographs, but I do not believe that he was under the security branch, he would be uniform branch photographer.

MR ERASMUS: A normal police photographer M'Lord, *ja* correct.

MR VARNEY: And the court is obviously interested in

evidence on photographs, given the total lack of photos before this inquest, so Mr Baker told you directly that he had been summoned to go to the cell, to take photographs?

MR ERASMUS: That is incorrect M'Lord, I cannot remember that he told me anything, but I do remember that I would have assumed that he, being the in-house photographer would have been summoned and told to take pictures, x, y and z. And I can tell you why, if I may, if you want me to tell the court ...[intervenes].

10 MR VARNEY: Yes.

MR ERASMUS: Why I come to that assumption was the murder of Doctor Robert Smith and his wife Jean Cora. Those photos were brought because of their sensitivity and you can speculate why were developed in the laboratory, in-house laboratory at security branch on Vorster Square, I saw those photos and their enlargements with my own eyes. I found it extremely strange at that time, because it is a different division for starters and there is a security branch at, he was murdered in Boksburg I think, there is a security branch in Germiston, if
20 they went to that trouble to bring those photos to our laboratory.

MR VARNEY: Do you recall where the security branch [indistinct] was in John Vorster square?

MR ERASMUS: It was on the 10th floor, in fact almost next to room 1026, there is a room there that have been converted and

I think it is, if I am thinking back to insight to walks through there, that was the darkroom, obviously you need a special area to develop photos.

MR VARNEY: The in situ, or inspection in *loco* tour that you are talking about, that would have been before they reopened the inquest to the death of Ahmed Timol?

MR ERASMUS: That is correct, M'Lord.

MR VARNEY: So according to your recollection, that would have been the far wing facing the double-decker highway?

10 MR ERASMUS: That is correct, M'Lord.

MR VARNEY: So the... you are simply making the assumption that because he had these photos in your... in his possession and because he was a security branch photographer, you assumed that he was then called to the scene?

MR ERASMUS: That is correct. I would still say that he was, he must have been on the scene, he would have been on the scene.

MR VARNEY: Okay but it is a deduction that you ...[intervenes].

20 MR ERASMUS: It is a deduction, yes.

MR VARNEY: You also made reference to hanging photos, did I hear you correct to say that Mr Baker also had photographs of the deceased, Doctor Aggett, hanging?

MR ERASMUS: That is correct, M'Lord.

MR VARNEY: And because this is really important, can you

just indicate how many photographs you yourself saw in Baker's possession, depicting the hanging deceased?

MR ERASMUS: There was three photos M'Lord and of a set of four and if the court looks on here, you can see that these were stapled to a piece of paper. I gave the IO Frank the one that I, that which is the original, call it the original one. What happened here, just for the information of the court M'Lord, was that Baker would be required to develop six sets of photos for example, one set for head office, one for local, one for this
10 file, one for that file. And he might have developed eight or ten and a lot of the photos that I have got were not the colour, he had not got the colour right, so he would throw them in a box and then I would go there to book technical equipment and he would say to me, oh Paul while you are here... and I remember with these photos of Doctor Aggett, he said to me these are interesting ones, or something. I have got a lot of terrible photos like that, that he gave me.

MR VARNEY: Sir, I believe that ...[intervenes].

MR ERASMUS: That is why I had them.

20 MR VARNEY: Right, in relation to the Aggett inquest, the picture of the kikoi is the only one you could recover?

MR ERASMUS: That is correct. The IO ...[intervenes].

MR VARNEY: The investigating officer.

MR ERASMUS: Frank was present, as was my son and my son could also said that he remember, he will remember the

original three photos that I had, because he had seen, obviously seen my photos before.

MR VARNEY: And do you know what happened to the original three photos?

MR ERASMUS: I gave all of the stuff, every scrap of paper that I had, I gave to the TRC, to my regret.

MR VARNEY: Do you recall who in the Truth Commission you gave it to?

MR ERASMUS: Mark...? May I ask my son? He has got a
10 better memory than me. No I do not remember, I personally do not remember. I remember they came and they packed the stuff in boxes, they took the photos, they took literally everything that I had and I battled to get it back after three years or four years.

MR VARNEY: You are not in a position to ask your son at the moment, but perhaps when we adjourn you can talk to him.

MR ERASMUS: To Mark Pilf....

MR VARNEY: Sorry Mark who?

MR ERASMUS: Mark Killian.

20 MR VARNEY: Mark Killian. Mr Erasmus, you have seen the photographs that are currently before the court, of the deceased hanging?

MR ERASMUS: I have not.

MR VARNEY: M'Lord, may, with the leave of the court can we hand up copies of FPK71 and 2, so that the witness can take a

look? Mr Erasmus, just take a look at those two photographs? Once you have, can you just indicate whether you are able to recall whether they look the same as two of the three that you have in your possession, following your discussion with Mr Baker?

MR ERASMUS: They are absolutely identical and obviously M'Lord, what I am looking for is the staples which are identical to this one, because they were stapled on A4 sheets of paper and there is marks here which could, or may or may not be,
10 this has obviously been enlarged.

MR VARNEY: And ...[intervenes].

MR ERASMUS: They are absolutely identical.

MR VARNEY: You can see, certainly with the rear-view picture of the deceased, it seems to be on poor quality photograph, it might even be overexposed, do you recall whether the photographs you had in your possession were better quality?

MR ERASMUS: I think probably the same, M'Lord. It is not something that I looked at every day and because of my children and I did not ever want anybody to see these things,
20 these type of photos, I have got photos for example of an autopsy of people blown up and so on, I kept separate from normal photos that I kept over the years, police photos that is.

MR VARNEY: And Mr Erasmus, do you know whether Mr Baker is alive today?

MR ERASMUS: I did try and find him quite recently, I have

found his telephone number, which has been disconnected. I think if he is alive he would probably, he is quite a bit older than me, he would probably be close to 80 years old.

MR VARNEY: Alright, do you recall his full names?

MR ERASMUS: I think it was just Roy Baker, spelled R-o-y Baker and he stayed at 26 Grampion Road, Rosettenville. But the only thing I did not do, is go to his house, I did try the number several times.

MR VARNEY: Did you give these details to the current
10 investigating officer?

MR ERASMUS: I did, M'Lord.

MR VARNEY: If we can now turn to the Nagra tape that you said that you used on your mission to Grahamstown, Cape Town and then Summerset West and you already informed this court that you have handed over a tape to the investigating officer, I understand that later today attempts will be made to listen to that tape. Can I ask whether this was the only tape that you had on the mission, or whether there were others?

MR ERASMUS: M'Lord, that was the only tape that I had.

20 MR VARNEY: Even though you also indicated that each tape can only record for about five hours?

MR ERASMUS: That is correct, M'Lord.

MR VARNEY: And do you recall whether you perhaps filled up the entire tape, or only a portion of it?

MR ERASMUS: I unfortunately do not, I do recall which was

standard with the tape log that you did not want to wipe ov... if you did not want to record over what you had already recorded, you would just push the little button and it would fast rewind, which is very fast, it would fast rewind to the beginning again and you could start a fresh set of recordings. Why I suggested that apart from the transcription was that they had a little machine which would create a magnetic field, this would be Baker and company in the technical and if you wanted to, all the tapes in fact that they worked with, they would pass it over
10 this machine which would create an electrical field M'Lord and it would wipe out that tape. But it did not always work and specifically with the Nagra tape being so thick, because it is a five hour recording, whereas your normal compact cassette recording is, I think the maximum was 2 hours if my memory serves me correct from our music tapes. You had to hold it there for longer periods and invariably, and it was a problem, you would get tapes where you would play and there was, you could hear conversations on it. So there was a reasonably good chance that there was additional stuff from there, but I
20 cannot remember.

MR VARNEY: Okay. Just returning to the photos and the role of Mr Baker, you mentioned that he was a security branch photographer and that you have made the assumption that he would have been asked to go down to the scene and take photographs and that you assumed how he got to being in

possession of the kikoi photograph and at one point you had three other photos of the hanging scene. Typically, to the best of your knowledge, were not the security branch hold on to those photos themselves and not share it with the uniform branch?

MR ERASMUS: I think that would be reasonable to say that is how it worked; these were in-house photos that would be for our consumption, like this Robert Smith, those were not photos as I understood it, from the guys developing it, being Baker and company that ever came out in the official investigation.

MR VARNEY: So in your view, it is unlikely that the photos that Baker took would have been provided to the first inquest?

MR ERASMUS: I actually cannot comment, I just do not know.

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

MR ERASMUS: I cannot say it possible or not possible.

MR VARNEY: Yes. But if they were not... if the security branch photographer did not share, was not allowed to share his photos with the uniform branch, I suppose it almost goes as a matter of cause that it would not have been part of the investigation docket that was put up before the first inquest.

MR ERASMUS: One would assume that, M'Lord.

MR VARNEY: Now if I can draw your attention to a photograph of the kikoi, can you just take a look at the background to that picture and see whether you can discern what surface the kikoi is lying against, or lying on?

MR ERASMUS: I think it would be the seat, a board or a seat or a table perhaps. It is a bit hard to say what is at the background, that looks like a table.

MR VARNEY: Do you recall what the floor of the 10th and 9th floor looked like in those days?

COURT: What the what?

MR VARNEY: The floor.

COURT: The floor?

MR VARNEY: Yes.

10 COURT: The floor and what?

MR VARNEY: Of the 10th floor of John Vorster Square.

MR ERASMUS: I do M'Lord, it was blue, is it vinyl, lino... I am not certain what they called those floors, it was polished every day, used to shine like you cannot believe.

MR VARNEY: Yes. So now take another look at some ...[intervenes].

MR ERASMUS: This would actually look like that floor, come to think of it.

MR VARNEY: That is right, because ...[intervenes].

20 MR ERASMUS: Yes, it is, that is the floor. The slight white markings, parallel markings on it are the floor.

MR VARNEY: And with the darker, I cannot quite recall whether it was vinyl or wood, possibly vinyl but certainly from our different inspections on the 10th and 9th floor, it appears that it might be line, either on the floor ...[intervenes].

MR ERASMUS: On the floor.

MR VARNEY: The 10th and the 9th floor of John Vorster Square.

MR ERASMUS: It looks very much like that is where it was lying.

MR VARNEY: Thank you, Mr Erasmus. Typically at night time, on the 9th and 10th floors of John Vorster Square, would there be people up there, would there be like a night-time shift or would officers simply be there as and when they needed to be,
10 this is after hours, night-time?

MR ERASMUS: The investigation branch were a continual pain in a certain part of the anatomy, because if you had the keys of the building, which I already described to the court, every fifth week you would want to get home or you maybe had to pick up your wife or something and the 10th floor would be working late, in which case you had to wait there until their majesties descended down and said okay, now you can lock the building, which took the best part of half an hour M'Lord, or longer. It was a process that had to be followed in a certain
20 order, otherwise you stood the risk of locking yourself out or whatever and the other factor was the lifts, there was a lot of cases where guys in those circumstances found themselves locked in the lifts on their own and had to spend the night there.

MR VARNEY: So am I right in saying that, certainly on those

floors, the two security branch floors, there was no night-time shift per say, but officers would have been there as and when they needed to be there, or wanted to be there at night-time?

MR ERASMUS: That is correct. And there was some of them there that obviously had their own keys, I did mention yesterday that there was times that we had to go and open the building, something had happened, they had told everybody to report, there was information that something was going to happen, so they placed us all on standby, like happened in
10 state of emergencies. You would arrive there with the keys M'Lord and the investigation branch was already, the 10th floor was open, the lights were on, the lifts were running, they were there, so they had their own, obviously set of keys.

MR VARNEY: So Mr Erasmus, do you recall and I am asking you to recall some 38 years back, but do you recall when and how you came to learn about the death of Doctor Neil Aggett?

MR ERASMUS: Sjah, if I recall, I think it was a Sunday, I heard about it on the Monday morning when I got to work. I heard about it at the coffee table in the morning.

20 COURT: Where?

MR VARNEY: Which coffee table was that?

COURT: At coffee...

MR ERASMUS: At the coffee table, M'Lord.

COURT: At the coffee table?

MR ERASMUS: Our day started in the security branch with

the whole staff would get together, something which still fascinates me to this day is they opened with a prayer, which is totally incongruous to what was actually happening, but they did that at every police place in the country. And then you were given information, sometimes addressed by the senior officer which would be, in the latter years General Erasmus, one of the brigadiers. And they read out normal staff notices, birthdays, marriages, whatever.

MR VARNEY: So this discussion would have happened around
10 the coffee table, would that have been now one of the rooms on the 9th and 10th floor?

MR ERASMUS: There was a designated room on the 9th floor for the purpose, in fact it was where the filing system is, if you remember the inside you have seen, very large open areas with the little kitchenette.

MR VARNEY: And these coffee sessions, were they attended generally by police officers just from the 9th floor, or would personnel from the 10th floor also come down?

MR ERASMUS: The whole staff would attend, the entire staff,
20 with exception of the letter steamers, we never saw them and they were not part of us. But the rest of the staff was there. Oh sorry, the rest of the white staff was there, for many years.

MR VARNEY: Alright.

MR ERASMUS: When I ended my career, right up until 1993, white people had coffee on their own.

MR VARNEY: So the black officers would have a separate room for drinking tea and coffee?

MR ERASMUS: I presume so, I am not really certain.

MR VARNEY: And again sorry to ask you to recall back 38 years, but do you recall the conversation of what might have been said?

MR ERASMUS: In relation to?

MR VARNEY: To the death of Doctor Neil Aggett.

MR ERASMUS: I honestly cannot.

10 MR VARNEY: Okay.

MR ERASMUS: I think everybody knew about it, there was, if anything happened at night, there was a hubbub the next morning and we were always early, being late was not acceptable.

MR VARNEY: Now in the days following the death of Doctor Neil Aggett, did you notice any unusual happenings on the 9th or 10th floor, for example were there any sudden transfers of security branch officers to other places?

20 MR ERASMUS: I could not say with any definite... I am certain I would have remembered something of that... I would say no, nothing out of the ordinary.

MR VARNEY: Right. My learned friend for Mr Deetlefs and Mr Venter posed questions to you around the role that the security branch was playing as in applying the law and securing convictions and you were asked about the

professional conduct of security branch members at that time. Now my question to you and you have already testified that certain conduct was quite routine, so for example when it came to interrogations, you mentioned that sleep deprivation, assault, forced exercise, the forced crouching and squatting position and prolonged standing and of course electro shocks that was pretty routine practice. You have also testified that you and your colleagues carried out, in your words, hundreds of incidents to make the lives of leftist activists, in your words
10 to 'make their lives hell' and you gave examples of carrying out arson attacks, throwing bricks through windows, damaging cars and the like. You have also spoken about routine falsification of documents and spreading false rumours and the routine eavesdropping on citizens, including eavesdropping on lawyers offices who are preparing for trial. So my question to you, would describe that conduct as professional?

MR ERASMUS: Profession.

MR VARNEY: Professional.

MR ERASMUS: That was our job.

20 MR VARNEY: That was your job. Let me put to you in another way, you and your colleagues may have been good at doing those sorts of things, but was that professional conduct?

MR ERASMUS: Retrospectively, definitely not M'Lord. It was bizarre and I often find it difficult to even explain to people that this is how things worked at that time, like I say

retrospectively.

MR VARNEY: And it was certainly expected of you to act in that way and indeed when you did act in that way and achieved good results, you were ...[intervenes].

MR ERASMUS: Commended.

MR VARNEY: Commended.

MR ERASMUS: That is correct, M'Lord.

MR VARNEY: And although this evidence is probably not before this court, but I believe it was before the reopened
10 inquest into the late Timol. You received at least two official commendations.

MR ERASMUS: I received a lot more than that.

MR VARNEY: A lot more. And correct me if I am wrong, but your superiors not only were aware of all these activities but approved and ordered that they take place.

MR ERASMUS: That is 100 percent correct.

MR VARNEY: So now the, you have also testified that you and many of your colleagues suffered greatly from the stress, suffered from PTSD and depression. Do those ailments excuse
20 in any way this kind of conduct?

MR ERASMUS: Not in the least, M'Lord. When I think about it now, I did not even know for many years that I had a condition called Post-Traumatic Stress, where I did feel that I was not coping with things, the only avenue that was tolerated and I think it is quite important that I mention this, was God help you

if you ever went to somebody and you said the stress is getting to me, you would have been kicked out almost immediately or transferred. They would encourage you to go and see one of the in-house *dominees*, take note '*dominee*', not ministers or reverends or pastors or whatever, that was if they were policemen. And what nobody did not know initially and what you found out afterwards, you could go to one of these people, they were all colonels and you would tell him your innermost fears or reservations of whatever and behind your back, that
10 would go into your personal file and probably cost you a promotion or you would suddenly find you are being transferred to Timbuktu or some other Godforsaken place.

MR VARNEY: You also mentioned in response to a question about the written reports you would give to senior staff and you mentioned that in respect of some activities, obviously unlawful activities and the example you gave was firebombing a vehicle belonging to... I forget the name, but a reverent, a priest.

MR ERASMUS: Correct.

MR VARNEY: And that you had a coded way of reporting.
20 Were you suggesting that your superiors did not know that you were for example, if you tried bombing that vehicle because you did not write it down in the most blunt and blatant terms.

MR ERASMUS: Well many of the stuff M'Lord, came out in the newspapers the following day and sometimes you could be asked or you would... somebody would just come up to you at a

braai or something and say; '*mooi werk of hou dit aan, lekker*', they loved these type of things invariably ended up around the *braai* fire where, especially if there was a funny element in it, a lot of mirth and some of the stunts that went down were quite notable. One of the StratCom operations I did was, I had to create something, I invited all the political party players for lunch and meet, at a restaurant in Johannesburg and they all arrived and there was chaos, you had the ABW there together with Joe Slovo I think attended and that was talked about at
10 these *braais* for a long time after that. Where I would get a pat on the back and say, you know, we enjoyed that little stunt, wonderful stunt. So this was also a form of incentive M'Lord, to carry on with these type of things.

MR VARNEY: So there might be a suggestion that in carrying out these activities, your superiors were kept in the dark, what is your response to that?

MR ERASMUS: No they gone through the same ranks and the same process that we did. If my life had been... if it was not for what happened in Somerset West and I had been a senior
20 officer, I would be watching the young guys, constables and sergeants and so on doing exactly the same stuff, that was the culture and that was... forgive me M'Lord... that was what was expected of you.

MR VARNEY: Now you testified that a certain Sergeant William E Cox at some point in time, and I believe this was

after Conrad had been transferred away from the investigation department on the 10th floor and he had been found with substances in his cupboard, I believe the substance or serum he referred to was scupheling... scopelaming...

MR ERASMUS: Scopolamine.

MR VARNEY: Scopolamine and as a result of that discovery, the new head of the investigation department on the 10th floor had him transferred to Hillbrow Police Station almost immediately.

10 MR ERASMUS: That is correct, M'Lord.

MR VARNEY: Do you recall who shared the office with Sergeant Cox while he was on the 10th floor?

MR ERASMUS: There was a general office for non-officers, when you became a commissioned officer you generally got your own office. The younger guys normally sits three, sometimes four in an office, it is possible that warrant officers would sit there, possibly Pete Seffert, Nick Deetlefs, there was four I think in that particular office, if I recall it there was four desks.

20 MR VARNEY: Yes, well you did testify earlier that Warrant Officer Deetlefs did share an office with ...[intervenes].

MR ERASMUS: Did share an office with him ...[intervenes].

MR VARNEY: Sergeant Cox.

MR ERASMUS: A general office.

MR VARNEY: You also testified that you played a tangential

role in the poisoning of Frank Chikane and you have testified in great detail, so I am not asking you to revisit that testimony, but do you recall whether any poison, to your knowledge, was ever applied against detainees held in custody, either at John Vorster Square or elsewhere?

MR ERASMUS: I cannot say with any definite absolute certainty M'Lord, but what I can tell the court as a StratCom officer and working from the blue... from John Vorster Square, my office had a safe, a walk-in safe and I was told by my
10 commanding officer to do... he had this penchants for Teutonic thoroughness, demanded to know exactly what was in there and I drew up an inventory and I got a shock after all those years. There was a so-called StratCom kit which contained poisons like Thallium, and the most god scary stuff on the planet, there was weapons and what are these things they use in prisons M'Lord, shanks, a million ways how to kill people ...[intervenes].

MR VARNEY: Can I ...[intervenes].

MR ERASMUS: Was all in this room, but there was a lot of
20 poison in this toolbox, little containers.

MR VARNEY: And what would poison such as Thallium and any other poisons be used for?

MR ERASMUS: Digetless, that was the other one. Digetless would induce a heart attack instantly. If you had to put it on a needle and it was used by the KGB on several occasions, you

would simply walk past a person and bump that needle and the stuff would enter their blood M'Lord and they would collapse with a heart attack and the beauty of it was that it would not be picked up, unless you were specifically looking for it or believed this person had been poisoned.

MR VARNEY: So it was aimed at assassinating individuals, but to give the appearance that it was some disease such as a heart attack or a stroke or whatever?

MR ERASMUS: That is correct, M'Lord.

10 MR VARNEY: You were also asked a question in relation to whether there was any action taken when you and your colleagues would hear screaming on the 10th floor, or on the 9th floor for that matter and you responded that, certainly at that time that was not your business. We then asked for an example of anyone who might have squealed and you gave the example of Colonel Coetzee who wanted to expose the theft out of the security branch's secret fund and that was a useful example, but it was not an example of a security branch officer squealing on another security branch officer who had tortured a
20 detainee. Do I hear you cor... am I correct in saying that you have no such examples?

MR ERASMUS: I have no such examples. I think people that were not trusted immediately, or identified rather quickly, if you voiced an opinion that oh, I can never torture somebody, somebody tell the right person and that person would be moved

possibly to an admin section or as, possibly even right out of the security branch.

MR VARNEY: So at that time, would there have been some kind of prevailing culture, perhaps a brotherhood amongst the security branch officers that you do not squeal on each other?

MR ERASMUS: It is 100 percent most definite, that is how it worked.

MR VARNEY: Was it ever described as some kind of unwritten or golden rule?

10 MR ERASMUS: The journalist Jacques Pauw called it the heart of the whore, there was this structures within structures, wheels within wheels, this little unit in the middle of... I described it yesterday as a naughty boy, the naughty boys. These were people that, if you went to a certain division you could rely on somebody there to cover up for you, protect you, that is how it worked.

MR VARNEY: And do you think that this unwritten rule continues to the present day?

20 MR ERASMUS: I would be hard-pressed to... I am out of the police and I do not have much contact, for obvious reason I should imagine M'Lord, with the police, I would regard it as possible.

MR VARNEY: Thank you, Mr Erasmus, no further questions M'Lord.

QUESTIONS BY COURT: Thank you. Mr Erasmus, I just have

two questions, you indicated that in 1981 you were posted at Namibia?

MR ERASMUS: That is correct, M'Lord.

COURT: Which month of, which month in 1981 did you, were you there?

MR ERASMUS: I was there for almost a whole year, I did the training... I am just trying to work out the dates in, I think February and I was in Ovamboland, in the operational area from ...[intervenes].

10 COURT: 1981, February.

MR ERASMUS: Not... correct M'Lord, from March until November, which was a bit unusual, but I was torn between, normally you went for a period of three months and sometimes six months.

COURT: So in November 1981 you were back here?

MR ERASMUS: I came back to John Vorster and then immediately applied to go back as a permanent posting, which was refused.

20 COURT: So November 1981 you were in John Vorster Square?

MR ERASMUS: Yes. Yes, M'Lord, that is correct.

COURT: And for how long, you never went... you never left?

MR ERASMUS: I worked on the 9th floor then until the StratCom units became formalised and 1988, 89, it could be either year M'Lord, we left John Vorster Square to maintain

security and move to Randburg, but still our station was our pay point, as they used to call it was John Vorster Square but we worked from a front organisation in Randburg, Kent Road, Randburg.

COURT: No what I am trying to get at is that as at February 1982 you were still stationed at John Vorster Square, you were there?

MR ERASMUS: That is correct, M'Lord.

COURT: Oh. Now in paragraph 52 of your affidavit, you
10 mention that; 'Whitehead had told you that he had kept Aggett awake for over 60 hours and at that... and that at the end of this Aggett was confused and broken' and then he says that Aggett wrote his statement whilst playing music or something. Is it, did you understand that it was immediately after the 60 hours that he then gave him a paper to write the statement?

MR ERASMUS: I did and that was my assumption M'Lord, it is correct. He in other words been kept awake for 60 hours, broken and said okay, give me pen and paper, I am going to confess and then written a statement.

20 COURT: Okay. Now this would have been a day before his death.

MR ERASMUS: I am not quite certain of the timeframes M'Lord, I am not even certain on what day, although I did say earlier I thought it was a Sunday, I am not even certain of the days.

COURT: So you do not know when the statement was given to ...[intervenes].

MR ERASMUS: No. No, M'Lord.

COURT: Well on paragraph 51 you say the following:

"Whitehead had also showed me Aggett's last statement which had made shortly before his death."

MR ERASMUS: That would be what I assumed M'Lord.

COURT: *Ja*, so shortly does not mean the day before or after that?

10 MR ERASMUS: I assumed it was ...[intervenes].

COURT: The day before.

MR ERASMUS: At the end of this 60 hour session ...[intervenes].

COURT: *Ja*.

MR ERASMUS: Or period where he was kept awake. I actually cannot, I am thinking about it now M'Lord, remember if Whitehead had said to me or if I just made the assumption or came to that conclusion.

COURT: Now when you were travelling with Whitehead to the
20 Eastern Cape, or to the Cape, did he tell you whether he was with Mr Aggett, Doctor Aggett on the day before his death, or not?

MR ERASMUS: He did not give me any details M'Lord and like I said, I did not think it quite my place to question him in any depth; I just let him talk about it.

COURT: Now on paragraph 59 you say that you ended up staying with his father-in-law in Port Alfred, but then there is something about two German hitchhikers.

MR ERASMUS: That is correct, M'Lord.

COURT: What part did they play in this investigation? Were they part of... were the

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

COURT: Were they sup... yes?

MR ERASMUS: M'Lord it was just in the narrative of exactly
10 what happened on that trip, we picked them up I think at fort Beaufort, if my memory serves me correct. I was amazed that the lieutenant had decided to pick them up, because we are doing a top secret mission and you could maybe give somebody a lift, but I was more amazed when he said well we are going to Port Alfred and if they need a place to stay, they can stay with us. And the next thing there was meat and we were partying.

COURT: With them?

MR ERASMUS: With them.

20 COURT: You were seeing them for the first time?

MR ERASMUS: For the first time, they had been in South Africa, if I remember, two or three days and making their way down to meet, they said, which immediately got us interested, they are going to meet some human rights guy in the Eastern Cape so that immediately made them a security interest. But

still I was aware, I do not know how Whitehead thought about it, I certainly was, this had nothing to do with our function, our mission was x, y and z and here we are getting side-tracked now with these two girls because Whitehead wanted to party.

COURT: Oh, okay. Thank you very much, any questions arising on that?

MR COETZEE: M'Lord just a point of clarification, M'Lord the evidence on the 60 hours, the so-called long weekend, the evidence that emerged in the first inquest is that that took
10 place between the 28th and the 31 January 1982.

COURT: Oh.

MR COETZEE: Thursday to Sunday.

COURT: 28th to what?

MR COETZEE: The 28th to the 31 January.

COURT: To the 31 January.

MR COETZEE: *Ja*.

COURT: So is that, that is interrogation, the long weekend?

MR COETZEE: That was the so-called 60 hour interrogation.

COURT: Okay, yes. Okay.

20 FURTHER QUESTIONS BY MR COETZEE: M'Lord if I may just ask him one question. Mr Erasmus, I have actually just now read the statement that Lieutenant Whitehead gave in the first inquest and he indicated that he finalised the statement with Doctor Aggett on the 1 February, the 2 February, the 3 February and the 4 February, in other words the 4 February he

later died that night, of the 5th, did he discuss with you that he saw him in the four days that he actually took the statement down from him, in the four days before his death?

MR ERASMUS: No, he did not discuss it in any depth at all, his point to me was, I sensed that he seemed to be wrestling with this thing about why Doctor Aggett had written that first line in what I understood to be, he wanted to make the statement and then possibly, as I mentioned, to make a point or convey something, he breaks away from whatever the
10 lieutenant told him, this is how you write a statement, I do not know if Doctor Aggett knew how to write a formal statement. But he starts off at paragraph 1, if I recall; 'I am a communist in.. whatever; 'I adhere to the Marxist philosophy. I wonder even if I read the rest of the statement, I am certain I might have remembered more.

MR COETZEE: Thank you M'Lord, I just wanted to point that out.

PROSECUTOR: M'Lord, just one question.

COURT: Yes.

20 MR MLOTSHWA: *Ja*, sir was it ever discussed when the death of Doctor Neil Aggett was discussed in the coffee room, how he got the kikoi, or how the kikoi ended in his room?

MR ERASMUS: No, that would not have been the place something like that would have been discussed, because the entire staff was sitting there. Once again that point about, not

necessarily the need to know, but it was not in anybody's interest to have all these details, you know, placed almost into the open.

MR MLOTSHWA: So nothing was said about the kikoi, or how it would have ended in his cell?

MR ERASMUS: I think it would have just been the most senior person who always made those type of announcements, probably the brigadier or the general would have just said one of our detainees, or one of the detainees Doctor Aggett hanged
10 himself last night and if there was any instructions, I think possibly there would have been the instruction, come to think of it now, that we are not under any circumstances to discuss it within forums or anybody, just sit tight, do not say anything.

MR MLOTSHWA: Yes. Do you know whether any inquiry was done to investigate how this kikoi ended up in the cell?

MR ERASMUS: I am not aware of that.

MR MLOTSHWA: Thank you, M'Lord.

COURT: Tell me; was Mr Whitehead there in the morning at the coffee, when this was disclosed?

20 MR ERASMUS: I cannot remember, M'Lord.

COURT: Okay.

MR ERASMUS: I really cannot remember.

COURT: That day, you never saw him later on that day?

MR ERASMUS: I only really took notice of him when he came to me about this trip, I was actually surprised to walk into my

office and there he was sitting and I remember this very clearly, with a cigarette in his mouth, he was sitting on my table, being as friendly as anything. I do not think I had ever even spoken to him before. In fact, I was hostile to him and he said to me, you can call me Steve and I kept, insisted on calling him lieutenant, which was just our way of showing we did not like the fact that he was a lieutenant. In retrospect, I should have thrown him out of the office, but anyway that is another point.

10 COURT: But that would have been on the, on the... that would have been days after his death, after Neil's death that you went with him to the east, to Eastern Cape.

MR ERASMUS: I cannot remember M'Lord, I do have record of that in my casebook, but I do not remember now as I am sitting here, I do not remember the dates. I did record that trip and the two hitchhikers are also reflected in my casebook and there is a photo of Mr Whitehead with the two hitchhikers.

COURT: Ja. Well in your statement, I think about the Somerset West invasion, you say you went there on the 4
20 March 1982.

MR ERASMUS: Yes. So that makes it roughly a month.

COURT: A month, okay ...[intervenes].

MR ERASMUS: No, not [indistinct].

COURT: Thank you. You are excused now, thank you very much sir.

NO FURTHER QUESTIONS

MR COETZEE: M'Lord, may I just bring something to Your Lordship's attention, EXHIBIT J1 was handed, up it is the affidavit by Carl Niehaus M'Lord.

COURT: Yes.

MR COETZEE: I have had now the opportunity to read this affidavit M'Lord and I am specifically perturbed about what is written in paragraph 11, on page 4 and I cannot just summarily agree to this affidavit being handed in, where in this paragraph
10 Mr Niehaus make the allegation that he was severely tortured by my client, Mr Deetlefs. He was, he says;

"I was severely tortured and beaten up by Deetlefs."

M'Lord, I cannot agree to the handing up of this affidavit uncontested by his evidence, specifically because in his book; Fighting for Hope, Mr Carl Niehaus explain that Mr Diedericks only slapped him once.

COURT: Deetlefs or Diedericks?

MR COETZEE: Deetlefs.

COURT: Deetlefs, *ja*.

20 MR COETZEE: Yes, M'Lord, so there is definitely a discrepancy here and unless Mr Carl Niehaus is going to come and give evidence so that he can be cross-examined on this fact, I cannot agree to the handing in of this affidavit, specifically not without deleting paragraph 11 and the last...

COURT: Is it ...[intervenes].

MR COETZEE: Specifically paragraph 11 M'Lord.

COURT: *Ja*.

MR COETZEE: It cannot, if we want this to serve before you as evidence M'Lord, he must come and testify to that, that I can cross-examine him.

COURT: Okay, let us have ...[intervenes].

MS SINGH: M'Lord, we will make the necessary arrangements for Mr Niehaus to be brought.

COURT: Yes, okay.

10 MS SINGH: Thank you, M'Lord.

COURT: Mr Niehaus will be subpoenaed to come and give evidence.

MS SINGH: Indeed, M'Lord. M'Lord, the before we proceed to call our witness, Prof Azis Harun, just to update his Lordship about the arrangements regarding the reel and the Nagra machine, whilst the witness is still here.

The Nagra machine has been located with the kind cooperation of the Aggett family attorneys. The investigating officer has taken the machine to the technicians to ascertain
20 whether the reel is compatible. What we have decided is, it is and we should know by this afternoon.

The reel on its own is at least five hours, the entire duration to listen. M'Lord obviously we do not have the time to be in court and then also to listen to the tape, but it needs to be listened to. So what we have arranged between all the

councils is because we are either two or more on representing each of the interests, what we will do is at least one party will accompany the investigating officer tomorrow to a designated place, at a designated time, to listen to the tape and the content thereof.

After that M'Lord, arrangements will be made for the conversion to a digital, probably a digital tape and then obviously the transcription, we will make the arrangements for that to be transcribed. Thank you M'Lord, then the... we will
10 call then Prof Azis Harun, if someone can just call him, he is outside.

COURT: Yes.

CLERK: Just state your full names and surname?

MR AZIS: My full names are Harun Erasheed Azis.

COURT: What is the second name?

MR AZIS: Erasheed. E-r-a-s-h-e-e-d.

COURT: Erasheed. Azis?

MR AZIS: Yes.

CLERK: Do you have any objection taking the oath? Witness
20 sworn in.

HARUN ERASHEED AZIS (duly sworn states)

MS SINGH: Thank you, M'Lord.

EXAMINATION BY MS SINGH: Professor, you have a simple request that you be referred to as mister, rather than by your title, am I correct?

MR AZIS: Yes.

MS SINGH: Sir the, you have your statement in front of you, I just placed it there in front of you, do you see it? Is it not there? I will just need to give you another copy. Do you confirm that ...[intervenes].

COURT: Do I have a copy?

MS SINGH: M'Lord, I am just going to confirm it then hand one over to his Lordship, that is for the judge. You signed a statement this morning sir, is that correct, you confirm that is
10 your statement before you?

MR AZIS: Yes.

MS SINGH: Confirm the contents thereof?

MR AZIS: Yes.

MS SINGH: Thank you. M'Lord, a copy has been made available for his Lordship, I must apologise M'Lord, I wrote 'a copy for the judge' on the top, it is actually the original, my apologies.

COURT: So what exhibit do I give it?

MS SINGH: M'Lord it would be EXHIBIT J2.

20 COURT: Okay.

MS SINGH: Thank you, M'Lord. Sir, just to give a brief background, is it correct that you served as the military strategist for the ANC military wing, for the uMkhonto weSizwe?

MR AZIS: Yes, part of the strategy committee.

MS SINGH: Thank you. Now Mr Azis, you are 73 years of age.

MR AZIS: Yes.

MS SINGH: You are an accomplished writer, publisher, a researcher and you confirm that you published at least 20 books ...[intervenes].

MR AZIS: Yes.

MS SINGH: Will that be correct. With the leave of the court, your annexures to the titles of the book is attached to your, to
10 the annexure to your affidavit ...[intervenes].

MR AZIS: Yes.

MS SINGH: Am I correct. I see one of the first books that you have written, the Power of Revolution, the foreword was written by a very special man, can you name that man?

MR AZIS: Chris Hani.

MS SINGH: Thank you. There is water there, just in case you need some water. Now you say in paragraph 1, I beg your pardon, paragraph 2 that your primary discipline is quantum physics.

20 MR AZIS: Yes.

MS SINGH: For those of us that do not know what that is, can you just give us a brief background as to what that is?

MR AZIS: Quantum physics studies the electron, its properties which are made up of characteristics and behaviour.

MS SINGH: And you say that your secondary discipline is

history and biography ...[intervenes].

MR AZIS: Yes.

MS SINGH: Am I correct. Is that correct?

MR AZIS: Yes.

MS SINGH: Before we proceed with your evidence, we just want to say thank you for coming here today, I believe you have a very hectic schedule, retired ...[intervenes].

MR AZIS: Yes.

MS SINGH: Or unretired and you stayed in the country so that
10 you could testify in this matter.

MR AZIS: Yes.

MS SINGH: Thank you for that. Prof, before we start with your whole actual interrogation and torture and your subsequent being... subsequent arrest and detention at Compol in Pretoria, I just want you to tell us a brief background, where were you born?

MR AZIS: I was born in Overport, Durban.

MS SINGH: In Durban. Your sensitisation or politicisation if I can use that word, started at a very young age ...[intervenes].

20 MR AZIS: Yes.

MS SINGH: Can you just give us a brief background about it?

MR AZIS: Yes. At the age of 18 in 1965 I was arrested under the Sabotage Act, because I was suspected of blowing electrical stations, painting slogans on government buildings and running an underground structure.

MS SINGH: Okay. Professor before we start, you must just raise your voice a little bit, people at the back also need to hear what you are saying.

MR AZIS: Okay.

MS SINGH: So where were you arrested professor?

MR AZIS: I was arrested at my home in Overport.

MS SINGH: Yes.

MR AZIS: And taken to Durban Central Police Station.

MS SINGH: Right.

10 MR AZIS: In Smith Street.

MS SINGH: Right. Before we go to that portion of your arrest, I just want you to give us a brief background as to how was it that you were enlisted, who enlisted you and let us just take it from there. Where were you enlisted?

MR AZIS: Okay the first underground cell we formed was together with people like Shun Chetty, who was the first black attorney to represent terrorism trial attorneys and he was one of the first persons, then I had teachers Tyle and Reddy who was sent on punitive transfer to Ladysmith, then we had Mr NV
20 Naidoo who is now a retired principal, then there was Suresh, Doctor Suresh Raidoo who is now an anaesthetists, then we had J Sonny who is a doctor of philosophy in Germany, so we had people like that.

MS SINGH: Right. You talk about... I just want to start with paragraph 7 first... or before we start with paragraph 7, what

drew your attention to being politicised, you talk in paragraph 6, you say you got involved politically because apartheid was in conflict with the principles of social justice.

Can you just explain that for us?

MR AZIS: *Ja*, now at the school library we used to receive an American publication in loose sheets and in those loose sheets was President Mandela's famous Rivonia trial speech. And we thought at that time it was a banned speech, so we treated it as like an illegal document and we circulated amongst us,
10 discussed it and raised our political consciousness. So that had a seminal effect on my thinking and prior to that was the Sharpeville massacre, which horrified the whole world, so that was a very conscientising for me. But the significance of Sharpeville massacre as observed by Frantz Fanon, in his book *Wretched of the Earth*, he says after Sharpeville massacre, no massacre in the world went unreported, so that had a huge impact really.

MS SINGH: Alright. You say in the paragraph 7, you say in December 1965 when you were arrested, you start talking
20 about 1948 and how the special branch came to being.

MR AZIS: *Ja*.

MS SINGH: Can you give us a brief overview as to how the police service functioned at that stage?

MR AZIS: *Ja* in 1917 the Broederbond was founded as a secret organisation, with the objective of taking over South

Africa, both politically first and then economically and then they prepared for the rise of the National Party, very strategic. So in 1948 the National Party came into power and at the same time they formed the special branch.

MS SINGH: Alright.

MR AZIS: Because they had in mind a transition from liberal democracy to a fascist state. So in anticipation of victory on 1948, they constituted the special branch.

MS SINGH: You talked about the National Party itself coming
10 into exclusive power.

MR AZIS: Yes.

MS SINGH: Can you explain that for us briefly?

MR AZIS: Yes because there were, the National Party or the Afrikaners were caught between the African majority and the white liberal English speaking minority, they were caught in-between the two groups of people and if you take a thing like the so called Anglo Boere War of 1899, 1902, the English speaking people did terrible things to Afrikaners, they had concentration camps, they committed genocide of Afrikaner
20 children and human and so it was prompting them to come into power. Then in 1910... 1902 they got defeated and then in the period 1902 to 1910 the chamber of mines were effectively the rulers of the country and they managed the transition from the four colonial provinces to one nation state called Union of South Africa. So that was the background of the transition and

then when the liberals like Smuts, when they came into power, they continued to oppress the Afrikaners and the Afrikaners became more determined to get into power, so they had to become vicious to get into power and fight not only the Afrikaners, but more especially the Africans.

MS SINGH: You talk specifically about 1950 and very significantly you talk about the communist party of South Africa ...[intervenes].

MR AZIS: Yes.

10 MS SINGH: The banning of. Can you just explain little bit about that?

MR AZIS: Yes, in 1948 they came into power.

MS SINGH: Right.

MR AZIS: And in 1950 they passed this oppression of ...[intervenes].

MS SINGH: Right.

MR AZIS: Communism Act.

MS SINGH: Right.

MR AZIS: And in terms of that act, they banned the
20 communist party of South Africa.

MS SINGH: As it was then known.

MR AZIS: As it was then known.

MS SINGH: Right, you also say that with the banning of SAC... I beg your pardon, communi... sorry, CPSA.

MR AZIS: Ja.

MS SINGH: And ANC and PAC and other parties, this, would you say cleared the way for the security branch to do as they please?

MR AZIS: Oh yes, *ja*, in... so what they did was, after banning the ...[intervenes].

MS SINGH: Yes.

MR AZIS: Communist party, then there was a period of 10 years, 1950 to 1960 and in that period the agitation in this country increased and it was crowned by the Congress of the
10 People in 1955 when the Freedom Charter was adopted.

MS SINGH: Yes.

MR AZIS: And then the African masses, together with the coloureds, democratic whites and Indians, they became more militant and they showed their mass power. So the National Party could not tolerate the rise of the new black masses, so in 1960 they committed the Sharpeville massacre.

MS SINGH: Right.

MR AZIS: And which created the first, the first stage of a totalitarian state that respected no democracy, that did not
20 tolerate descent in this country. So in 1960 they had to ban the ANC, the PAC, and SACTU was not banned technically, but it was driven underground. So by 1963/64 there was the Liliesleaf farm arrest so in 1964 Mandela and the Rivonia Eight as we know them, they got convicted and was sentenced to Robben Island. So those two events, Sharpeville massacre

and the Rivonia trial confirmed the National Party as a fascist party that was bent on creating a totalitarian state in South Africa. And one of the key aspects of totalitarians is mass fear, psychological fear that they drive into the population, in order for them to conform to new rules. So the special branch acquired more and more power, arbitrary powers and the special branch was controlled by the Broederbond as the National Party was controlled by the Broederbond and as later the state security council was controlled by the Broederbond.

10 MS SINGH: Now with this general perception of fear that is now being inculcated amongst the people ...[intervenes].

MR AZIS: *Ja.*

MS SINGH: You have the Rivonia Eight, you have the Sharpeville massacre, you have this fear, you talk about in paragraph 12 that in 1965 now there is a clandestine cell that is being formed ...[intervenes].

MR AZIS: Yes.

MS SINGH: Right, we move to that one, do you have it there sir?

20 MR AZIS: Yes.

MS SINGH: Paragraph 12. Right? Before we start with the clandestine movement, what is a cell exactly, what do they do, where do, where are the people coming from, how does it work?

MR AZIS: I remember in 64 after the Rivonia conviction, there

was fear throughout the country.

MS SINGH: Right.

MR AZIS: And they had broken up effectively the ANC and the PAC, the communist party was already underground and SACTU was also driven underground. So to keep the movement alive, we had to go underground and you know, like the best of the people from that era, they got together and they started forming what we called cells or underground operations and these cells were really limited to a few trusted people and
10 like the cell that I belonged to was led by Leonard Mdinge, was prominent in the Pondoland uprising and he was tutored by Govan Mbeki. Then there was AKM Docrat who was under 22 hour house arrest, then there was Doris Manzi, she was under a 5 year banning order, then there was Florence Mkhize, also a 5 year banning order, then there was Phyllis Naidoo who was under 12 hours house arrest. So these, this was the core group that I had belonged to and in these cells we discussed what we called NS, national scene from time to time, which today is the equivalent of the famous SONA. So we went into
20 details discussing the mood of the people, are the people ready to receive guerrilla fighters in South Africa, are the people ready for guerrilla warfare, are they ready to receive caches of arms, walky-talkies, things like that, things of more of a military nature.

MS SINGH: So you all were gauging whether the people in

South Africa were ready for a revolution?

MR AZIS: Yes.

MS SINGH: Right. You mentioned that there were quite a few people, did a cell have a particular person, or did it have to have one, two, three, four, did it have a leader?

MR AZIS: It depended on the area.

MS SINGH: Alright.

MR AZIS: In a place like Bulwa, which is a rural area ...[intervenes].

10 MS SINGH: Right.

MR AZIS: Where Phyllis Naidoo was active, you could not have too many, so that cell would constitute of about like two, three people. But in Durban the core group was five. Then when we formed underground cells in University of Zululand in Salisbury Island University, they were a little larger and they were not as security conscious as they were, but from Salisbury Island we had some excellent recruits, one of them was Abubaker Ismail. Abubaker Ismail was in charge of the arms deployment of special operations based in Zambia. So
20 we got a lot of very good recruits from the university.

MS SINGH: You talk about being recruited by Phyllis Naidoo in 1967 ...[intervenes].

MR AZIS: Yes.

MS SINGH: Am I correct.

MR AZIS: *Ja*.

MS SINGH: After you were recruited now, you also talk about in paragraph 15 ...[intervenes].

MR AZIS: Yes.

MS SINGH: About the Freedom Charter.

MR AZIS: Yes.

MS SINGH: The Freedom Charter, and you must correct me if I am wrong, was largely the brainchild of Chief Luthuli and to the best of my recollection and you need to correct me on this, it was Naledi Pandor's father or what ...[intervenes].

10 MR AZIS: Naledi Pandor's grandfather, he ...[intervenes].

MS SINGH: Grandfather.

MR AZIS: Yes. He moved for the adoption of the Freedom Charter.

MS SINGH: Right.

MR AZIS: So it was an ANC decision.

MS SINGH: Alright.

MR AZIS: It did not belong to any one person, but because Nkosi Luthuli was the banned president of ANC, he was the pivot around which the demands were collected and taken to
20 him for final authorisation.

MS SINGH: When you talk about demands, I see in paragraph 16 you say they were noted on any piece of paper.

MR AZIS: Yes.

MS SINGH: Can you just explain to us, just briefly before we break for lunch as to how the Freedom Charter came about?

MR AZIS: Okay now the congress, South African Congress of Trade Unions, because they had their numbers, they were the actual hands and feet of the Freedom Charter, so.. and some of them were just ordinary workers and they went around into rural villages, into cities, townships, asking people what should be the demands, what should be the aspirations, what should a future democratic South Africa could look like. So that was very painstaking work and people just wrote, there were no typewriters, there were shortage of papers, shortage of pens, today they are luxuries.

MS SINGH: So that was their equivalent of [indistinct], send me, people went out, volunteers, collect the information, brought it back to the chief, this was put into a paper and this is where the Freedom Charter came about, would I be correct?

MR AZIS: *Ja* in terms of the process ...[intervenes].

MS SINGH: Yes.

MR AZIS: Of being approved by the president of the ANC ...[intervenes].

MS SINGH: And who was that ...[intervenes].

20 MR AZIS: Because the ANC is a process driven organisation and the president who was banned was Nkosi Luthuli.

MS SINGH: Alright. M'Lord, before we proceed to the next theme, perhaps this would be the ideal time to break for lunch.

COURT: Okay. Mr Azis, we have to break for lunch until 2 o'clock.

MR AZIS: Thank you.

COURT: Court adjourns.

COURT ADJOURNS [12:50] [13:15] COURT RESUMES

COURT: Thank you.

MS SINGH: Thank you, M'Lord. I just want to wrap up quickly on the Freedom Charter, if you would like his Lordship will allow you to sit if you want to sit. Just to wrap up on the Freedom Charter. The principles in the Freedom Charter, what were they aiming at?

10 MR AZIS: They were aimed at creating a new society, a vision for a new society. So it covers lots of aspects, education, economics, control of the mines, the doors of learning. So it covers everything for a non-racial, none democratic society.

MS SINGH: The meetings that were held, discussing the principles around the Freedom Charter, would I be correct to say they were not political? They were not political?

MR AZIS: No, the Freedom Charter is so vast, so you cover sociology, history, economics, lots of stuff.

20 MS SINGH: Alright. You talk about in paragraph 21, 22 and onwards. You talk about the movement in Durban in particular, you talk about the involvement of Archbishop Desmond Hurley and Reverent Kinch. Can you just briefly just tell us what were their roles there?

MR AZIS: Ja the Roman Catholic Church were very useful in the struggle and they played a very leading role and

Archbishop Hurley he was very supportive of the anti-apartheid struggle. And in ...[indistinct] there was a reverent, or Father Kinch they used to call him.

MS SINGH: Alright.

MR AZIS: He was a Canadian and he spoke IsiZulu pretty fluently and he used to go very often to Ingwavuma area, which is on the border of Mozambique. And Phillis Naidoo had ...[indistinct] in that area and because she was banned, I used to go with Father Kinch and meet those people In Ingwavuma.

10 MS SINGH: Alright.

MR AZIS: Ingwavuma at that time was a bush, so we used to park Father Kinch's car on the road side and walked 10 kilometres. The big issue at that time was the land question, the struggle was all about the peasants struggling for land. An attorney Edgy Bhingu [?] in Durban, he was handling the land issues. So that is how it got to go to Ingwavuma and keep the contact with the underground movement in Ingwavuma and incidentally when Dorothy Nyembe was convicted, she was convicted for receiving guerrillas that came via Ingwavuma.

20 MS SINGH: You also talk in paragraph 24, you say in 1967 you now begin working with the raising Black Consciousness, can you just give a little bit of history there?

MR AZIS: That is on 70... 67?

MS SINGH: 67 Yes.

MR AZIS: Now the only struggle at that time was to get

recruits for uMkhonto we Sizwe.

MS SINGH: Right.

MR AZIS: Because until 1976 uMkhonto had only 10 000 members. Now we saw the potential in this rising Black Consciousness Movement, led by people like Barney Pityana, Steve Biko, Saths Cooper and others. And we saw the potential and we knew that they were speaking to the hearts of the masses and we knew it was going to lead to some uprising. Without particularly anticipating Soweto's 76 when it actually
10 happened.

MS SINGH: Right.

MR AZIS: But the momentum was to build towards that. So when I got into the Black Consciousness Movement, the series text book that we used at that time was Frantz Fanon's, The wretched of the earth. That was like the manifesto not only for Black Consciousness Movement, but for the whole of African Liberation. So Steve Biko and I coincidentally we have had two different copies and we studied The wretched of the earth like a bible, like a textbook. And we have intense discussion on
20 Black Consciousness... I mean on Frantz Fenon's work. And Frantz Fanon exercised I similar influence on Steve Biko's thinking. So the Black Consciousness created space for us to operate and look for recruits. And when Soweto 76 happened the MK got an influx of another 32 500 soldiers, so by the time we disbanded we had 42 500 soldiers.

MS SINGH: This were within the military?

MR AZIS: In the military.

MS SINGH: Alright. Am ...[indistinct], or am I correct to say that there were various divisions, or various areas, various regions where the MK was, you in particular were from the Transvaal?

MR AZIS: No, no.

MS SINGH: Alright.

MR AZIS: The original MK was broken up into regions.

10 MS SINGH: Alright.

MR AZIS: But for example you had the Natal Region, Easter Cape Region, Western Cape and then within the regions there were subdivisions.

MS SINGH: I understand. You also talk in paragraph 27, you talk about the 10 point program of the Non-European Unity Movement. You talk about the issue with APDUSA, can you just give us a little bit background there?

MR AZIS: Yes, yes. At that time we took a policy decision that we penetrate any political formation that exists.

20 MS SINGH: Alright.

MR AZIS: And that time APDUSA was trying to recreate itself, which stands for African People Democratic Union of Southern Africa.

MS SINGH: Alright.

MR AZIS: In exile its leadership by I.B Tabata and in Natal it

was led by Carter Hashing [?] and we saw quite a few youth in that movement. So three of us Mafika Gwala, Masla Udaya [?] and myself we penetrated the APDUSA group.

MS SINGH: Alright.

MR AZIS: And one of the first issues we raised with them, because we knew they were ...[indistinct] and they just stopped. We said to them, you have got your 10 point program which is endorsed by the masses, it was written by a handful of Cape Town based teachers.

10 MS SINGH: Alright.

MR AZIS: So we said we have got the Freedom Charter, which is mass based endorsed at the Congress of the People, where there was something like 3000 elected delegates that endorsed the Freedom Charter. So we said if you are serious about the revolution, you need to throw aside your 10 point program and accept the Freedom Charter. And those intellectuals they did not accept what was said, so Mafika Gwala, Masla Udaya and I we left, it was a waste of time.

20 MS SINGH: Okay. Now Mr Azis, I want to go now to your arrest, interrogation and torture and I think the basis of your evidence is the marked difference between the times that you were arrested.

MR AZIS: Yes.

MS SINGH: So I just want to run through that quickly, the affidavit is before the court so all the information is there.

When you were initially arrested, am I correct to say you were arrested in KwaZulu-Natal, in Durban?

MR AZIS: Yes.

MS SINGH: Can you just give the court an idea as to... first of all let us start with the so called police station, what was it? You referred to is in your paragraph 9 as squatter, squatters. Can you tell us about that?

MR AZIS: Okay there was the main police station in Durban which was called Central Police Station, which was on the
10 corner of Smith Street and Robert Street.

MS SINGH: Alright.

MR AZIS: At that time the special branch did not have an infrastructure in Durban, so what they did they operated from outbuilding offices in Smith Street, Broad Street corner.

MS SINGH: Alright.

MR AZIS: So your interrogation room was a little kaya outside.

MS SINGH: Okay.

MR AZIS: And that served as an interrogation room and some
20 of the officers were in the main police station and some of them were outside.

MS SINGH: Alright.

MR AZIS: And so clearly they did not have an infrastructure, clearly they did not have human resources. In the Indian division for example there were just three of them, Niyager [?],

Subermani [?] and Paramond [?].

MS SINGH: This was now initially your first arrest when you were still 17/18 years old?

MR AZIS: *Ja*.

MS SINGH: You say that before we go on to the headquarters for the security branch in Durban, where were they at that stage?

MR AZIS: In Smith Street Police Station.

MS SINGH: Was it also in Smith Street?

10 MR AZIS: *Ja*.

MS SINGH: Alright. In particular I think you take Ambridge, you know you had ...[indistinct], you say these police officers come in there, there is no police warrant. Can you just explain it for the court?

MR AZIS: Yes. When they came to arrest me it was Subermani and Prim, they said to me the captain... no the sergeant wants to see you.

MS SINGH: Alright.

20 MR AZIS: Now sergeant refers to Niyager, he was the head of the Indian division. So before they took me away they searched the pantry and I assumed they were looking for chemicals in the pantry and then they searched my small library I had and in the library I had an essay which I wrote, why I am a socialist. They got very interested in it that essay, although it was very amateurishly written and then they found a

whole list of chemical formulas that I had written down. And at that time my hobby was collecting chemical formulas and in the chemical formulas I used the mix the chemical formulas for ...[indistinct] for instance. So they did not have the brain or the maths to understand how you disguise chemical formulas and maths in a catalogue of chemical formulas. So that was my fancy ...[indistinct]. And then I was... I loved biochemistry, I loved physics and I loved maths. So clearly the police were not equipped to understand these things, so they could not
10 take the chemical formulas any further, they could not get anybody to decipher those things.

MS SINGH: Alright.

MR AZIS: So they took that away and then without a search warrant and without an arrest warrant, I was taken away to meet the sergeant which was Niyager.

MS SINGH: Alright. Before you go on to describe your interrogation per say at by Niyager. You talk about in paragraph 30 of your affidavit you say it was one police force but with segregation, can you inform us tell us what that was
20 all about?

MR AZIS: Yes, yes. The Indian special branch had its own offices that was segregated from the white and then there were hardly Africans in the special branch at that time.

MS SINGH: Alright.

MR AZIS: So although they reported to one command, but

they... they split, segregated in all racial ...[indistinct], and they thought it is normal to be segregated.

MS SINGH: You talk about in paragraph 11 you say you go to see the Sergeant Niyager and in particular he comes across as a very boastful man, can you tell us about that?

MR AZIS: Yes. Now Niyager was in habit of plain psychological ...[indistinct], because his disreputation precedes him. Because in the community we knew that he is the torturer of people like Sonny Singh [?], Brian McBrian [?] and those 19
10 people that were eventually convicted. So that was the disreputation that he had, so then when I first met him he tried to produce in me a psychological fear of him personally on a one to one. And he was well built like a boxer, he brandished his fists like a thug brandishes a dagger. And just sending threatening messages and then he boast about his skills at torturing detainees, extracting confessions from them and eventually getting convictions against them.

MS SINGH: Did he come across to you that Niyager and the rest of the team were under duress to do the things that they
20 were doing, or the way that they behaved? Did they behave under duress to you?

MR AZIS: You know like if you take Niyager now, he was overzealous in what he was doing.

MS SINGH: Alright.

MR AZIS: And he had to show his bosses that he was up to

the work he was doing, because he was aspiring to climb up the ladder the hierarchy in the police force.

MS SINGH: Now you talk about bosses, you talking about Van Dyk ...[intervenes].

MR AZIS: The white bosses.

MS SINGH: His white superiors?

MR AZIS: Yes.

MS SINGH: Now this is already as early as 1965, this is the first time that you were arrested and this is the way that
10 members of the special branch are behaving. You talk about Van Dyk you say he was vicious, can you... can you just explain that?

MR AZIS: *Ja* Van Dyk was the superior to Niyager and what he used to do was, he used to place me in between his open laps and he used to have his face like a foot away from my face and he used to make you, angry faces, ...[indistinct] faces, threatening you know the silent body language. And he used to keep asking the same questions over and over again, did you commit this sabotage, that sabotage, who were your
20 instructors, who are in your underground cell, what are the things you discuss. Then at length they were not able associate and fortunately for me they did not understand what is socialism. And they could not distinguish what is socialism and communism. And I tried to explain to him what socialism is and it you know you really confused the place when you...

when you answer them at ideological level.

MS SINGH: So even at the age of 18 years these so called special people could not understand what you are trying to communicate with them?

MR AZIS: Yes, yes.

MS SINGH: Out of their league just bullies, would you say that?

MR AZIS: Out of their leagues, but it also frustrated them you know when somebody sits so close to you and you are not
10 giving answers that they expect from you and they can just lash out at you. You know just out of anger and frustration. Which I experience more of in 1974, we can go into that later.

MS SINGH: Yes. You talk about... you say you were lodged in the cell and you were bitten by fleas and can you just explain that experience for us, solitary confinement?

MR AZIS: Yes. They put you in the... it was called Durban Central Prison and which is now demolished.

MS SINGH: Alright.

MR AZIS: And the international conference centre is standing
20 there and one part of the wall, the corner part is still standing there as a monument for the people who served time at Durban Central.

MS SINGH: Alright.

MR AZIS: So in this cell bare floor with a sleeping mat and I think they deliberately put in flea infested blankets.

MS SINGH: Right.

MR AZIS: There is what you call a... to be crude a 'shit bucket' and a water container.

MS SINGH: Right. Clothing, were you allowed to keep any extra clothing?

MR AZIS: Nothing, nothing. And my body was going pink with the fleabites.

MS SINGH: With the fleabites. Were you ever allowed to take your shoelaces about at time?

10 MR AZIS: Yes, it is the first... they take your shoelaces, they take away your belt, anything what you can commit suicide with.

MS SINGH: Alright. That was the first thing that was removed?

MR AZIS: *Ja*.

MS SINGH: And this already the first time that you are now contained?

MR AZIS: Yes.

20 MS SINGH: Prof, you say that they assumed that you were weak because of your age, can you tell us about that?

MR AZIS: Age and I think because they thought I am Muslim and Muslims at that time were very passive.

MS SINGH: Alright.

MR AZIS: Very compliant with the system of apartheid. Because in those days you never heard of Muslim originations

opposing apartheid.

MS SINGH: Right.

MR AZIS: So... so they assumed I am one of the pacifists.

MS SINGH: In your paragraph 14 you there is something very interesting, you say Niyager boast, he talks about being the... being part of the best police force in the world and we are using the word 'police force' as opposed to police service now. He bragged about that?

MR AZIS: *Ja* police force, because he said they were able to
10 break down people Brian McBrian, Sonny Singh and that 19
people that were there.

MS SINGH: Alright.

MR AZIS: And how he played a role in breaking them down, getting confessions and sending them to an island.

MS SINGH: You also talk about prolonged psychological threats, can you just give a little bit more detail about that?

MR AZIS: *Ja* but you see they never used physical violence ...[intervenes].

MS SINGH: At that stage?

20 MR AZIS: At that stage. But there was mental torture.

MS SINGH: Alright.

MR AZIS: And for instance he was always bragging about how he tortures and it is more like a monolith and one of the things he pointed out was, covering me under a wet blanket with electrodes on it. Using the tube of a tyre over my face and try

to suffocate me and using rugby tackle. Where they put you in the centre of the room and hefty policemen like rugby players they tackle you and they throw you to the floor.

MS SINGH: Alright. You mention also that they said to you how they can immobilise you using a wet towel, can you explain that to us?

MR AZIS: Yes. There is various ways of... of doing that, for instance they would make you sit with your hands under your buttocks and you hold the... hold your ankles and that they put
10 in a broomstick, which they called it helicopter.

MS SINGH: Alright.

MR AZIS: And if the helicopter does not work then they throw a wet blanket over you and they tie electrodes to it and they switch on the electricity.

MS SINGH: So ...[intervenes].

MR AZIS: It is shocks you and leaves no marks.

MS SINGH: Alright and once you are immobilised, they were free to do whatever they wanted to do?

MR AZIS: You become rigid, you cannot move.

20 MS SINGH: Alright. Now did they tell you this, or you experienced this? Is this something that you researched, or ...[intervenes].

MR AZIS: No, no this was their reputation and they played on that reputation.

MS SINGH: Is this what you were also told?

MR AZIS: Yes.

MS SINGH: That this is what can happen to you?

MR AZIS: Yes.

MS SINGH: You... you talk about... you say the routine and inexperience, you say here that at one stage you have been repeatedly asked the same question, sometimes four or five questions the whole day ...[intervenes].

MR AZIS: Yes.

MS SINGH: Is that correct?

10 MR AZIS: Yes. For 30 days.

MS SINGH: For 30 days the same questions, four or five questions?

MR AZIS: Yes.

MS SINGH: Was anything ever written down?

MR AZIS: Well initially they did not write down anything, nor was anything recorded. Because they were playing a mind game with me, so eventually they could not get anything out of me, then I signed a so-called confession to them. Now in
20 interrogation at first very intuitively and later on scientifically I learned counter-interrogation techniques. So and we used to discuss this in our cells, how to counter interrogation, how to bear torture, how to apply different meditative skills in... in countering torture.

MS SINGH: You say here at paragraph 11 on page 5... paragraph 10 sorry. You were asked questions repeatedly the

whole day, there would be shouting, swearing and screaming at you. You say the idea was to wear you down and they were short staffed and simply fumbled along?

MR AZIS: Yes.

MS SINGH: Can you just explain that?

MR AZIS: You see the special branch only got their training much later.

MS SINGH: Alright.

MR AZIS: They got it from a person André Beaufre. André
10 Beaufre was a military strategist for the French Colonial Army.

MS SINGH: Alright.

MR AZIS: So Beaufre developed torture techniques, military strategy from the lessons the French learned in Nigeria and Vietnam and he put them in his books. So eventually our state security council which was driven by the special branch, they were trained in those torture techniques and in those strategy and tactics of Colonialism. And it is what later PW Botha called 'Total Onslaught'.

MS SINGH: Alright.

20 MR AZIS: And Magnus Malan called it 'Total Defence'.

MS SINGH: In 1974 now you were arrested right and you say there is... let me just get the dates right, there was a marked difference now.

MR AZIS: Yes.

MS SINGH: From the first time that you arrested and the next,

were you again arrested by the same people?

MR AZIS: Yes, the same ...[indistinct].

MS SINGH: Alright now tell us what you experienced?

MR AZIS: Right. Yet again the two people came, they knocked on my door and they said 'You know us' and I said yes I know you. Then show me your ID cards, so I took the ID cards just to make sure that they are who they are and that they are still in the police force. Then again they went through the library looking for books and they could not find anything of
10 note. So they took me and handed me over to again Niyager, the same more or less the same procedure. And on a one to one with Niyager he repeats the same thing that he said in '65 and these are the things that we can do to you. Right so ...[indistinct] psychological again.

MS SINGH: Right. And this time when you were interrogated, were you interrogated at the initial police station, or are you now moved to a different place?

MR AZIS: No, no by then the special branch at headquarters ...[intervenes].

20 MS SINGH: Alright, in Durban?

MR AZIS: Ja. It was called ...[indistinct] in Fisher Street.

MS SINGH: Alright.

MR AZIS: It was like something like 5/6 floors there.

Ja?

MR AZIS: So that is where Niyager was based and the Indian

branch and the African branch, they were all on one floor, then the lower floors were occupied by the white special branch ...[indistinct].

MS SINGH: Right. You talk about Colonel Steenkamp, you say he is the commanding officer?

MR AZIS: He was the commanding officer.

MS SINGH: Alright. And you say when you were arrested on a Saturday, you were taken to headquarters and you face a whole army of white security branch members, can you tell the
10 court about that?

MR AZIS: Yes. What they do is they take you into the what is it called, a staff room or whatever and everybody comes in the morning and they greet each other and I was sitting down and then all these cops, all white cops they started mocking me and swearing me, calling me racist names. Then Steenkamp comes in last, I did not know who he was and everybody stands to attention and everybody salutes him and I am still sitting. And right in the presence of Steenkamp everybody is swearing at me.

20 MR VARNEY: Does he stop it, does he say anything?

MR AZIS: No, he does nothing. He is... he is the commander and so they swear at me, so I very reluctantly stood up and sat down back in the chair. So that was the intimidation that they introduced themselves to you.

MS SINGH: Alright. You talk about... you say in

paragraph 29, you say:

"At this point of arrest I noted now that there was a vast difference between my first arrest, me detention and interrogation and the present arrest, detention and interrogation."

You say there is now infrastructure, tell us about that?

MR AZIS: Ja the infrastructure is you can ...[indistinct], that is serving as the headquarters and the building was used exclusively by special branch, where they had different
10 departments. Your bugging rooms, your filed rooms and things like that, in to which Indians and Africans were not allowed.

MS SINGH: Alright.

MR AZIS: And my interrogation... before my interrogation I used to be taken to... right to the top floor where Niyager used to be and when the whites were ready to interrogate me, then they used to call for me and the Indian cops used to take me and leave me at the door to the white section. And then I am taken in by the white cops.

MS SINGH: Alright. The interrogation itself, how many
20 members were there, teams or what are we talking about?

MR AZIS: The core team was led by Abduli he was the lead interrogator.

MS SINGH: Alright.

MR AZIS: The core torturer was Hendrik De Wet and another cop called ...[indistinct]. That is with the core and then came

other cops like Andy, Taylor, Du Toit, so many other cops whose names I do not know.

MS SINGH: You see you say that this time they knew what they were doing, the interrogations were more purposeful and well organised, can you tell us about that?

MR AZIS: Yes. What they do is they tried to get you to cooperate, because without cooperation they will get nothing from me, or I might die.

MS SINGH: Alright.

10 MR AZIS: But their idea is to keep me alive to get information.

MS SINGH: Right.

MR AZIS: So what they do is they intimidate in such a way that it creates a conflict between my political conviction and the cause and my natural instinct to preserve my life.

MS SINGH: Alright.

MR AZIS: So there is a vacillation, mental vacillation between these two extremes right and that is where the torture lies, that you need to manage this vacillation with lies. Now in the underground we discuss is it ethical to.

20 MS SINGH: Alright.

MR AZIS: Lots of debate, we did not take these decisions easily. Because in normal society you never lie, so the eventual decision we took that in war condition when you are fighting a totalitarian fascist state, that it is permissible to lie to them to protect the struggle, to protect your comrades, to

protect your military resources.

MS SINGH: Now we have heard evidence that it was not... it was not expected of you to hold on forever, to hold out.

MR AZIS: Yes.

MS SINGH: There were people, people are different you would break at some point in time.

MR AZIS: Yes.

MS SINGH: Can you... can you talk about that?

MR AZIS: *Ja* when we were practicing interrogation
10 techniques, or counter interrogation techniques, the one thing we made very clear do not act with bravado because you will break, sooner or later you will break. They will wear you down and you will break, but how far you break is the thing. Alright so what they know about you do not deny it you admit it, but you need to be satisfied that they really know it, because they will tell you 'we know everything' and 'we want to see how truthful you are', that was the catch. Now we never fell for that, so we had to bear torture to gauge how much they knew.

MS SINGH: Okay. You... you say in the same paragraph on
20 the... on the turning of the training and interrogations skills, you say they are now more purposeful and well organised. The security branch received training on Apartheid, or should I say strategy and tactics ...[intervenes].

MR AZIS: Yes, yes.

MS SINGH: How do you know this?

MR AZIS: Because it is there, you look at the streets SSC's, State Security Counsel.

MS SINGH: Alright.

MR AZIS: Documents they are there ...[intervenes].

MS SINGH: What does it say?

MR AZIS: You would see... you will see the names of Professor Cochrane, professor somebody from Unisa, these were lectures on André Beaufre's textbooks.

MS SINGH: Right and the type of torture methods that were...
10 that was communicated to members of the special branch?

MR AZIS: Very much like what the French used in Nigeria and in Vietnam.

MS SINGH: Alright.

MR AZIS: So you know with general globalisation, you had globalisation of torture ...[intervenes].

MS SINGH: Alright.

MR AZIS: And interrogation techniques.

MS SINGH: You say in paragraph 30, at one stage you were told you need write your biography ...[intervenes].

20 MR AZIS: Yes.

MS SINGH: Can you tell us what that was all about?

MR AZIS: Yes. Now that the soft way to get you to cooperate with them and they say if you write your statement to our satisfaction we will let you go. And you know you... you were really tired in the cell and you will let out, you do not want to

cooperate, so you write any nonsense that comes to mind and what I wrote was full of opinions, no facts and Niyager saw it, he tore it up. He says no, there is no facts here, he tore it up. So he gives me more pages to write, so it happened a few times.

MS SINGH: Alright.

MR AZIS: Right until I was able to gauge what they knew and what they did not.

MS SINGH: So it was more you playing a mind game with
10 them, than them playing ...[intervenues].

MR AZIS: Very much *ja*.

MS SINGH: Alright. Sir, you talk about at paragraph 31 you say now up to approximately 2 weeks the real interrogation starts. Can you tell us about that?

MR AZIS: *Ja* that is when they take me to the white section and by duelling their lead interrogator, he orders me to get down on my fours.

MS SINGH: Alright.

MR AZIS: This is just to humiliate me and embarrass me.
20 Then you got to be humble enough to save your life to start cooperating.

MS SINGH: Alright.

MR AZIS: So the cops know now this man is being cooperative.

MS SINGH: Alright.

MR AZIS: And the only challenge there is to increase the level of cooperation.

MS SINGH: You say you had to manage your lies, can you elaborate on that?

MR AZIS: Yes. Now they were interested in a few basic things and they had some assumptions. The one assumption was that AKM Docrat was the leader of this underground structure, the second assumption was that I was the keeper of the underground library and the third assumption was we had
10 arms cache, walky-talkies. Our underground library was very vast, we had 65 volumes of Karl Marx's writing and Friderich Engels's writing. So underground work gave us time to study these 65 volumes.

MS SINGH: Alright. Uhm... ...[intervenes].

MR AZIS: So they were trying to check the correctness of their assumptions.

MS SINGH: Okay so basically their intention was to get you to admit to being part, or furthering the attempts of banned political organisation, this is what they wanted you to admit to?

20 MR AZIS: Yes.

MS SINGH: In your first arrest you said there was shouting, there was screaming, now is there still just shouting and screaming, or is there different types now of torture that is being ...[intervenes].

MR AZIS: Okay there is screaming and shouting

...[intervenes].

MS SINGH: Yes.

MR AZIS: And the screaming and shouting used to happen when you are sitting, or standing when they are asking you questions.

MS SINGH: Alright.

MR AZIS: And you give them the same answers repeatedly.

MS SINGH: Right.

MR AZIS: And while you repeatedly answer this questions,
10 you memorise those lies you are going to speak to them.

MS SINGH: Alright.

MR AZIS: And you can see on their faces they are frustrated and they will just lash at you and say but why are you doing to me. So that means I am now torturing them, or counter torturing them and they get very frustrated.

MS SINGH: Alright.

MR AZIS: And they lash, they beat, you fall down, they boot you, that kind of thing.

MS SINGH: So you were kicked, you were booted?

20 MR AZIS: On that and ...[intervenes].

MS SINGH: You talk about a time where you were picked up on the chair ...[intervenes].

MR AZIS: *Ja*.

MS SINGH: Can you tell the court about this?

MR AZIS: Okay. It was not a chair, it was called an invincible

chair ...[intervenes].

MS SINGH: The invincible chair, okay before we go to the actual, or to this invincible chair... can you tell the court what the invincible chair was all about?

MR AZIS: Okay the invincible chair was, they make you stand on your bended knees ...[intervenes].

MS SINGH: Alright.

MR AZIS: So as if you were sitting on a chair right.

MS SINGH: Yes.

10 MR AZIS: And they ask you questions, right and then your knees go stiff, your shinbones all go stiff and if you are not answering satisfactory then they tell you stretch out your hands and flick your fingers.

MS SINGH: Alright.

MR AZIS: Or they tell you fly like a bird, then you do this.

MS SINGH: So you supposed to fly like a bird?

MR AZIS: *Ja*. So they... so they increase your level of torture just on the invincible chair.

MS SINGH: Right.

20 MR AZIS: And then Sevenster [?] used to keep a knife right on my neck and I used to be quite close to the wall, but not against the wall. And now to fall down is very difficult, because you will fall into the dagger, so you got to control how you fall down and when you fall down that is when they boot you. Anywhere indiscriminately they boot you ...[intervenes].

MS SINGH: Yes.

MR AZIS: Or they take your head and they bang it against the wall and that was a very common thing. And then sometimes has to pass out and they used to come with water and pour over me and then as I am getting revived another cop will come, more like the priestly type, he will come there and he will say to me 'why you doing this to us, if you cooperate we will be easy on you'. Speaking like a padre and that was a little reprieve in... in the torture ...[intervenes].

10 MS SINGH: So this was a good cop, bad cop type of attitude?

MR AZIS: Yes.

MS SINGH: Alright.

MR AZIS: So when he left then the real tortures come in and then it continues. Then you get a cop like Andy Taylor, Andy Taylor was a huge man, taller than this door with big arms.

MS SINGH: Yes.

MR AZIS: And he would just grab me by my hair, I had a lot of hair at the time, he would use to lift me like that and just threw me. So then you fall unbalanced, that was his specialisation.

20 MS SINGH: Alright. Mr Azis, you talk about a time where you say here at paragraph 31, there was a so called ANC expert policeman. Can you elaborate to the court to that?

MR AZIS: Yes there was... there was one particular cop, I just cannot recall his name, and he introduced himself to me as the expert on ANC and he was the link it appeared to me,

between my interrogation team and Steenkamp. So he used to come in regularly and get feedbacks on the progress the interrogation. He used to go up presumably to Mr Steenkamp, he would come back with new instructions, new questions and things like that.

MS SINGH: Alright. You... let us go to your interrogation sessions, we know that you were booted, you were punched, you were picked and thrown, you are made to sit in this invincible chair position. Your interrogations were they limited
10 to just during the day, or were there different times?

MR AZIS: No routine lead was from let us say 9 o'clock to about 4 o'clock. Okay. .

MS SINGH: Alright.

MR AZIS: And that went on for 3 consecutive months.

MS SINGH: Months, 3 months?

MR AZIS: 3 Months.

MS SINGH: Alright.

MR AZIS: And then at midnight they would so come and they used to start the interrogation again. So you know there is
20 complete now sleep deprivation and what I used to do was, when they used to lodge me back into the cell I used to put the mat in the centre of cell. And I used to drive a make believe car at a loud speed and loud noise, like a stress releaser. Then I used to fall down there and just laugh madly, that was another form of stress release. Then I used to go to

bed very early, because you are tired, you are exhausted, you just want to sleep and then while sleeping they come and bang the door. They start interrogation at all hours of the night.

MS SINGH: So this ...[indistinct] that you are talk about was exclusively for the security branch?

MR AZIS: Yes.

MS SINGH: No uniformed branch policemen?

MR AZIS: No, you do not see them.

MS SINGH: So they have like carte blanche to do what they
10 wanted to do?

MR AZIS: Yes.

MS SINGH: Alright. You talk about here the guidelines that you spoke about when you were arrested, we also heard evidence about this. I just want your comment on it, the idea was always to keep them busy with you to allow your other comrades to escape, would that be correct?

MR AZIS: Yes. The instruction was to keep them guessing for at least an hour.

MS SINGH: Alright.

20 MR AZIS: And then in that one hour everybody associated with you needs to flee, it was an instruction that was carried out also by President's Zuma's wife. She was taken in and tortured, so she bore the torture of one hour and it gave President Zuma as head of intelligence an hour to escape back to Swaziland. So that was more or less the time scale.

MS SINGH: During the time of your... before I just go there, before it slips my mind. The first time you were detained 17/18 years old, were you ever charged?

MR AZIS: No, no I was just ...[intervenes].

MS SINGH: For anything, what happened, how long were you in custody?

MR AZIS: 30 Days.

MS SINGH: How many?

MR AZIS: 30 Days.

10 MS SINGH: For 30 days?

MR AZIS: *Ja*.

MS SINGH: And what happened, were there no charges levelled, you were simply told to go, you were free?

MR AZIS: *Ja*.

MS SINGH: Alright. Uhm... Whilst you were there now the second time that you are detained, did you see a magistrate come along, a judge?

MR AZIS: Yes, that was a big joke.

MS SINGH: Was it a joke, why do you say that?

20 MR AZIS: Magistrates are supposed to come once a week in terms of the law.

MS SINGH: Alright.

MR AZIS: And he used to come to the cell and the warden used to open the door.

MS SINGH: Right.

MR AZIS: And I used to be sitting down, which is defiance and then the warden used to shout in Afrikaans 'Staan op', now at that time I did not know what it meant. So I continued sitting, so then you know he gestures to you to stand up. So you stand up and the magistrate asked you any complaints, one question. I mean you know you just shake your head and move away, so that happened every week, or almost every week.

MS SINGH: Did you get the impression that genuinely was there to... to look after your concerns?

10 MR AZIS: No, no he was there to comply with the legal requirements of a visit by a magistrate.

MS SINGH: Alright. You talk about a one on one interrogation with Wellman?

MR AZIS: Yes.

MS SINGH: Alright and this is also an interrogator, can you just comment on that?

MR AZIS: Yes Wellman, he was the investigator of the people who were arrested after the peasants uprising in Pondoland.

20 MS SINGH: Alright. Just for the benefit of everyone, what was the peasants uprising about?

MR AZIS: The peasant uprising was over the land question when the government had taken all the land away from them and there was a peasant movement to regain control of the land.

MS SINGH: Alright.

MR AZIS: And Comrade Govan Mbeki was the leader in that area and Leonard Ndinghi was he lieutenant there. So they were the two key people that organised the peasants revolt Pondoland.

MS SINGH: Alright.

MR AZIS: So the Pondoland uprising was crushed and Wellman was the lead interrogator of all those people that were arrested.

MS SINGH: Alright.

10 MR AZIS: And they somehow had an idea that my cell might be connected to the Pondoland uprising. So he was showing off very much like Niyager, what he could do, how he broke down people, send them to jail and I think one or two of them also died in detention then.

MS SINGH: Consequently you did lay a charge, am I correct?

MR AZIS: Yes.

MS SINGH: You wanted to lay a charge, can you tell the court? Did you go to a doctor?

20 MR AZIS: Yes. When the torture became unbearable so I send a note to the station commander, or whatever you call it that I want to lay a charge.

MS SINGH: Alright.

MR AZIS: And they send a uniformed cop to me to take a statement.

MS SINGH: Alright.

MR AZIS: And I just said basic things that I was tortured and based on that he took me to the district surgeon Dr Buchannan and I was taken to Dr Buchannan the district surgeon by McDooley and Rigterveldt, the two torturers .

MS SINGH: Right the two torturers accompany you to the district surgeon?

MR AZIS: To the district surgeon.

MS SINGH: Right.

MR AZIS: So while the medical examination was being done,
10 they were present all the time, which is against medical ethics.

MS SINGH: Yes.

MR AZIS: There is no doctor patient privacy and the district surgeon took a blood sample from me, presumably because to test for blood in the liver. Because when you are kicked here it would cause damage to the liver, so I think that is what they wanting to ...[intervenes].

MS SINGH: Did you ever register a case; do you know what happened to it?

MR AZIS: No, firstly the result of that examination never
20 reached me and then when the same uniformed cop came back to take this matter further, so I said to him no, I do not want to take this matter any further. And then one of the special branch came and says come with us in a threatened way. He pushes me into a room with McDooley and De Wet in. Okay so then they swear at me, you think you are clever this and that

and then the interrogation torture continues without respite.
So that went on for 3 exact months.

MS SINGH: Alright. So how long were you in custody the second time now?

MR AZIS: The second time... all together was I served 9 months.

MS SINGH: 9 Months?

MR AZIS: 270 Days to be exact.

MS SINGH: Is that the amount of time that you were in
10 custody?

MR AZIS: *Ja*.

MS SINGH: 270 Days?

MR AZIS: 270, but the first three months was torture physical, mental tortured. Then in December when I wrote a statement of what I think they knew, then it subsided for a few weeks you know the Christmas break.

MS SINGH: Right.

MR AZIS: Then I was transferred to the old Pretoria Central Prison.

20 MS SINGH: Before we go to Compol, I just need to find out. After the medical examination and you wanted to lay this charge, you were taken to Colonel Steenkamp's office, am I correct?

MR AZIS: Oh yes, yes, yes.

MS SINGH: Can you tell us what was the commander's

reaction to you laying a charge?

MR AZIS: The commander was shouting and screaming at me and ...[indistinct] this man is a mental patient and he says 'No my men will never do that and you must not lie against my men', he was scolding me for what I had said. Because it reflects badly on him that when people under his command are caught doing illegal things to detainees. So he shouted and screamed at me and then he said to this ANC inspector 'take him back there, and let him answer all the questions'.

10 MS SINGH: Is it correct that you were often labelled a terrorist, communist, *et cetera* ...[intervenes].

MR AZIS: Yes.

MS SINGH: And things like that?

MR AZIS: Yes, very much.

MS SINGH: Alright. Tell us about what happened now, you are now transferred from Durban you are transferred now to Pretoria C-Max ...[intervenes].

MR AZIS: No, no not C-Max, old Pretoria Central.

20 MS SINGH: Old Pretoria Central okay. What happens when you go there, are you interrogated at the prison, or where are you taken?

MR AZIS: No then they take me to Compol and when I enter Compol in the reception area, there is a small... it is a cramped area at the entrance there ...[intervenes].

MS SINGH: Before you go there Mr Azis, Compol is Pretoria

Head Office?

MR AZIS: Of the ...[intervenes].

MS SINGH: Security Branch Head Office?

MR AZIS: Of the special branch *ja*.

MS SINGH: Right. What happened when you get there?

MR AZIS: So in the entrance room you get a whole lot of white cops coming in, all special branch guys.

MS SINGH: Alright.

MR AZIS: And they used to come there with their torture
10 instruments and they just brandish it, I do not say anything
...[intervenes].

MS SINGH: What is your... what is the torture weapons that you are shown then?

MR AZIS: You know like your leg irons, whips, the thing you put like you know the broomstick, things like that.

MS SINGH: Alright.

MR AZIS: And electrodes and things like that.

MS SINGH: Tell us about... you talk about... you talk about your diet now here being reduced, tell us about that?

20 MR AZIS: Yes, now because it was another form of punishment. So they reduced my diet, the breakfast, lunch and supper to half, half the ration.

MS SINGH: How do you cope with that? You are tired, you were exercised, you were tortured, now you also being starved, what do you do?

MR AZIS: You know food is not a big thing in my lifestyle, I can cope with it.

MS SINGH: Right. You also talk about... you say you were in solitary confinement, semi-dark place for a while?

MR AZIS: *Ja*.

MS SINGH: Can you deal with it?

MR AZIS: In Pretoria Central.

MS SINGH: Yes.

MR AZIS: Now what used to happen was there was only
10 interrogation without physical violence.

MS SINGH: Right.

MR AZIS: So from time to time people like Spyker van Wyk, who is notorious for having killed Imam Harum [?] ...[intervenes].

MS SINGH: Sorry who is this again?

MR AZIS: Spyker van Wyk.

MS SINGH: Right and you said he was notorious for having killed Imam Harum?

MR AZIS: Imam Harum.

20 MS SINGH: Right.

MR AZIS: He is from the Cape Town Special Branch.

MS SINGH: Yes.

MR AZIS: And he ensued to come into the cell.

MS SINGH: Into your cell?

MR AZIS: Into my cell, now he has got a reputation you know.

'I am Spyker van Wyk' and then he ensued to tell me how he killed Imam Harum and some of the techniques he is still going to try. So one of the techniques he said he was going to try, he was going to make me stand on my toes and take the skin... the foreskin of my penis, place on a desk and then punch a nail through it.

MS SINGH: Is that what he was... okay. I see... are you okay, alright. How much time did you spend there, how much time did you spend at Compol?

10 MR AZIS: Compol was January to June 26th.

MS SINGH: Before we go to what happened to your matter, we hear all this talk about socialism, communism, Marxism, what is the difference, what is the difference between these terms?

MR AZIS: Okay if you take Marxism it is suffix term, it combines Karl Marx's name and an 'ism' to it. So it is very misleading ...[indistinct] that contains 65 volumes of Marx and Engels libraries. Now Marxism can be divided very broadly into three categories. The one category would be dialectal
20 materialism, the other category would be historical materialism and the interconnecting discipline would be the methodology, dialectical materialism.

MS SINGH: Right.

MR AZIS: Now if you look at Karl Marx's and Engels's volumes, the word 'dictatorship of the proletariat' is used fewer

than 20 times and in those few numbers Marx and Engels always referred to it as 'social dictatorship of the proletariat'.

MS SINGH: So if were to put it in basic layman's term for me, it would be about dictatorship, or not?

MR AZIS: No.

MS SINGH: What is all about?

MR AZIS: Not at all. It was about socialism and socialism covered, dialectal materialism, historical materialism, dialectical materialism.

10 MS SINGH: Okay.

MR AZIS: Then you subdivide them into ...[indistinct] economics, sociology, that is subjected and you can choose anyone particular angle to penetrate the 65 volumes.

MS SINGH: Right.

MR AZIS: Together a very good appreciation of these historical documents. Now Leonard who is supposed to be implementing the 65 volumes, particularly the communist manifesto and Das Capital.

MS SINGH: Alright.

20 MR AZIS: He wrote about 24 volumes and he theorised about the dictatorship of the proletariat.

MS SINGH: Alright.

MR AZIS: But he left out the social aspects.

MS SINGH: Alright.

MR AZIS: To him it was one powerful executor leader of a

country, agglomerating all the powers of state organs in him

MS SINGH: Alright.

MR AZIS: And eventually this led to a so called communist state in Russia and in the USSR, which actually was not a communist state. It was a dictatorship firstly of Lenin and then taken over by Stalin and Stalin brutalised that concept. So that is communist aspect of it.

MS SINGH: Alright.

MR AZIS: Then you would get intellectuals like Dr... what is
10 his name, the name of the doctor who's inquest this is?
Doctor Aggett,

MS SINGH: Yes.

MR AZIS: Then you would get intellectuals like Doctor Aggett, they will accept Marxism but they will reject communism.

MS SINGH: Sorry, run that by me again, they would?

MR AZIS: They will accept Marxism.

MS SINGH: Yes.

MR AZIS: As a humane adoption but they will reject communism.

20 MS SINGH: Right.

MR AZIS: Which was inhuman.

MS SINGH: Right.

MR AZIS: In its application.

MS SINGH: So what was the big fear, why was there such a fear that everybody that was arrested, you are a communist,

what was the issue with that?

MR AZIS: Yes, now you do not have to be a communist, like a Stalin's communist, but Judge Rumpff defined communist as statutory communist, you do not have to be a card carrying member of the communist party...

MS SINGH: Right.

MR AZIS: To be declared a communist. You know, they can just suspect you are a statutory communist and they can ban you, they can ban you, they can do whatever they want to.

10 One other thing we need to remember.

MS SINGH: Yes.

MR AZIS: Is under interrogation in 1974 it was Sevenster who used to catch my testicles and squeeze it or backslap my penis.

MS SINGH: Right. Just, I just want to round up on this issue, what happened to your matter once you were here at Compol, what were you charged for?

MR AZIS: No, I was just detained for the whole 9 months ...[intervenes].

20 MS SINGH: In terms. Right.

MR AZIS: And I was eventually let go.

MS SINGH: Right.

MR AZIS: Without any charge.

MS SINGH: After 270 days.

MR AZIS: 270.

MS SINGH: So you were just let go?

MR AZIS: Yes.

MS SINGH: Right. The other thing I wanted to ask you, is you wrote a book, Mentally, while you were in prison.

MR AZIS: Yes.

MS SINGH: Can you explain the mental ...[intervenes].

MR AZIS: Mental aspect.

MS SINGH: Yes.

MR AZIS: *Ja*. Now that was in Pretoria Central.

10 MS SINGH: Yes, what did you do?

MR AZIS: Then again I sleep with the sleeping mat on the floor.

MS SINGH: Right.

MR AZIS: And I used to circumambulator the sleeping mat.

MS SINGH: Alright.

MR AZIS: And I used to do meditating walking.

MS SINGH: Alright.

MR AZIS: Yes. And for every 2000 paces I took, it counted as one mile, so I used to complete like 7 miles in that cell.

20 MS SINGH: Alright.

MR AZIS: And while doing the meditative walking, I began writing a book and the book was later published as Power of Revolution and it went into the science of what the revolution is.

MS SINGH: When you were released from the clutches of the

security branch, what was the reaction of the community towards you?

MR AZIS: Oh very negative.

MS SINGH: Why do you say so?

MR AZIS: Because now they fear, you are a communist, you are a terrorist, you are a criminal, so now the label stucked and they are afraid that by associating with me, they would also come under police scrutiny.

MS SINGH: Okay.

10 MR AZIS: So the best thing is, keep away from me.

MS SINGH: You talk about, you say in paragraph 19;

"The fear of the special branch was well and alive, there was a fear of the special branch in homes, in schools, in mosques, in temples."

MR AZIS: Yes.

MS SINGH: Can you tell us about that?

MR AZIS: Yes, that is the totalitarian atmosphere.

MS SINGH: Right.

20 MR AZIS: That prevailed in fascist state and they created in different ways.

MS SINGH: Right.

MR AZIS: For instance the old SABC used as a propaganda, in schooling, school education system, their curriculum is also a propaganda that eulogises white superiority and denigrates so called black inferiority.

MS SINGH: Right.

MR AZIS: And so the idea is to drive fear of the state and fear of the special branch, of what they can do to you.

MS SINGH: When you were at Compol, at the head office of special branch in Pretoria, did you get the impression that perhaps, you know, this was a once off thing you know, it was not the normal thing that happened, the torture and interrogation on you?

MR AZIS: No, when you walk into Compol, the interrogation
10 section, my first impression was that, was that reading something from Charles Dickens novel describing 19th century office, you know, or shop. No lights to start off with, they had very dim lights there, everything is deliberately in a chaotic state, files, cups, there is no order in that thing. Anybody comes, anybody goes, right and anybody does anything okay, so it is like an atmosphere of chaos they create at Compol.

MS SINGH: After you were released, did the harassment by the special branch stopped?

MR AZIS: It continued, yes.

20 MS SINGH: You mention in particular paragraph 19, you would say about how they would arrive at your house continuously without a search warrant.

MR AZIS: Yes.

MS SINGH: And your elderly mother would serve them a cup of tea.

MR AZIS: Yes.

MS SINGH: Can you explain that to the court?

MR AZIS: Yes, sometimes they used to ...[*inaudible – mechanical failure*]...

MS SINGH: ...can you comment on that?

MR AZIS: Yes ...[*inaudible – mechanical failure*]... that controlled the special branch, controlled ...[*inaudible*] and the provincial legislature, most of them were controlled by protocol, except the one in Cape Town I think, and [*indistinct*] and the
10 Broederbond aim was to get the Afrikaners through so-called Afrikaner Affirmative Action, or empowerment into the economic sphere of light and that is when the liberal English, they offloaded some of their shares to the Afrikaners and that is how they came to acquire shares on some of the major corporations today. So they controlled every aspect of our lives, without knowing it.

MS SINGH: There was, you spent quite a bit of time in solitary confinement, did the idea of suicide... let us start with suicide, ever cross your mind?

20 MR AZIS: Never, never.

MS SINGH: And why is that?

MR AZIS: One is you, I had a belief, several, and you want to get out and implement that belief.

MS SINGH: Alright.

MR AZIS: So there is no reason to commit suicide.

MS SINGH: What was the worst that could have happened to you, if you had been convicted of any offence, treason *et cetera*, what was the worst?

MR AZIS: The worst was imprisonment or maybe hanging.

MS SINGH: Right. The other question I wanted to ask you, suicide and you cultural belief with Islam?

MR AZIS: *Ja*, Islam does not allow suicide.

MS SINGH: Alright.

MR AZIS: Because if you are a Muslim and commit suicide,
10 you are not given a decent burial, you are taken someplace, a hole is dug and you are thrown in there like a dog. So there is no closure to that burial.

MS SINGH: Okay. You talk about a particularly moving experience where religious places were approached to pray for your release, I know this is a very emotional thing for you.

MR AZIS: *Ja*.

MS SINGH: Can you just tell the court what is it and what happened and ...[intervenes].

MR AZIS: Yes, my ...[intervenes].

20 MS SINGH: What was the ...[intervenes].

MR AZIS: Friends approached quite a few mosques to pray for me and all of them, they refused, because of they say you are communist, you are a terrorist. But Archbishop Desmond Tutu, in Cape Town he held a 24 hour vigil for me.

MS SINGH: For your release?

MR AZIS: Mmm.

MS SINGH: Okay. This Najagar, I remember there is quite an amusing part in your affidavit, you say that when you saw him for the first time, you thought well he must be quite stressed.

MR AZIS: Yes.

MS SINGH: Subsequently, what happened to him?

MR AZIS: He died of heart attack.

MS SINGH: How soon after that was it?

MR AZIS: That was after the 74 release.

10 MS SINGH: Alright.

MR AZIS: And some of us, like Sonny for instance and others, we were very saddened by his death.

MS SINGH: Alright.

MR AZIS: Because we had the hope that we would have the pleasure of killing him.

MS SINGH: Mr Asiz, I know you do not like talking too much about your political struggles and the contribution that you have made, I just want to canvass a few more aspects with you. The TRC, the Truth and Reconciliation Commission, you
20 went before the commission?

MR AZIS: Yes.

MS SINGH: Okay, you went there as what, as a complainant, to hear ...[intervenes].

MR AZIS: No. The problem with that time.

MS SINGH: Yes.

MR AZIS: Was the TRC were not getting any witnesses from Kwa-Zulu Natal because the violence was at its height, the so-called black on black violence.

MS SINGH: Right.

MR AZIS: So people were scared to go to the TRC. Then one of the commissioners, Richard Lester was also heading the Lawyers for Human Rights, he phoned me and he explained the difficulty of getting off the ground in Natal, so he persuaded me to be a witness. So that is how I got to appear before the TRC
10 and at the TRC hearing I was the second witness that broke the ice, as it were. And then after I gave my evidence, I disappeared for about two, three weeks to avoid any repercussions.

MS SINGH: Alright. One of your torturers in particular, I believe he will be testifying in another forthcoming inquest, was a Mr Benjamin, did he apply to come and apply for amnesty in respect of the torture on you, can you elaborate?

MR AZIS: Okay. I thought Benjamin was dead.

MS SINGH: He is dead, but I want to... I just want to
20 ...[intervenes].

MR AZIS: Yes.

MS SINGH: Clarify ...[intervenes].

MR AZIS: *Ja, ja.*

MS SINGH: Did he apply at that time.

MR AZIS: Because at the TRC ...[intervenes].

MS SINGH: He was still alive at that time, am I correct?

MR AZIS: *Ja*.

MS SINGH: Yes, what happened?

MR AZIS: *Ja*. Archbishop Tutu asked me what do you want the TRC to do? So I said, do one thing, facilitate a meeting between me and my torturers, so we could get together, confront the truth and if there is truth, then we reconcile. So nobody came forward except Benjamin. Benjamin appeared before the TRC, he admitted to torturing me, but he said he is
10 not going to ask for amnesty because he carried out instructions from his white superiors and if he did anything wrong because of his duty, then the new state must charge him, which never happened, he died.

MS SINGH: At the time when Benjamin was performing all these acts of torture on you, did you see anyone forcing Benjamin to do anything to you ...[intervenes].

MR AZIS: No, it was ...[intervenes].

MS SINGH: Was it done all free will.

MR AZIS: In variant is yes, over-enthusiastic, over-zealous,
20 yes.

MS SINGH: In fact all your torturers were over-enthusiastic ...[intervenes].

MR AZIS: *Ja*.

MS SINGH: And zealous.

MR AZIS: *Ja*.

MS SINGH: In fact later on, we are given to understand that Benjamin became ANC member ...[intervenes].

MR AZIS: ANC member, yes ...[intervenes].

MS SINGH: How did that ...[intervenes].

MR AZIS: That was a joke ...[intervenes].

MS SINGH: How did that go around with you?

MR AZIS: Not well, not good at all. Because the ANC started losing its liberation values.

MS SINGH: Okay. Just one last issue, Mr Azis you talk about
10 pre-1960, you talk about post-1970, would you agree with me
that torture was systematic throughout the country, by the
special branch, would you agree with that?

MR AZIS: Very, very systematic, not only in the country.

MS SINGH: Yes.

MR AZIS: It was globalised.

MS SINGH: Right.

MR AZIS: What they were doing to us, the French were doing
in Vietnam, in Algeria right and the other colonisers had been
the same.

20 MS SINGH: Okay.

MR AZIS: So it was globalised through the writings of Andre
Bruwer.

MS SINGH: Is there anything else you would like to say? Are
you okay?

MR AZIS: That is all.

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

COURT: Thank you. Who wants to start ...[inaudible].

MR MOHAMED: M'Lord, I have got no questions for the witness.

COURT: Thank you.

MR COETZEE: None here, M'Lord.

COURT: Thank you. Do you have any questions?

CROSS-EXAMINATION BY MR VARNEY: I was about to call you professor, but I understand you do not wish to be referred
10 to as professor.

MR AZIS: Yes.

MR VARNEY: So Mr Azis, you just given evidence in relation to interrogation and torture techniques that were developed by the French in Algeria and Vietnam, documentary evidence of South African police officers being trained by the French in interrogation techniques has been put forward in this court. Are you aware of that?

MR AZIS: Yes.

MR VARNEY: What do you know about the French assisting
20 the security branch with training?

MR AZIS: Yes, there was a conference on security at the old university, Rand Afrikaans University, now it is called Johannesburg University, there was a conference and it was addressed by Cochrane and I think the one from Unisa, they were the experts on ...[inaudible] in South Africa.

COURT: They were experts on what, I did not hear that?

MR AZIS: Beaufry... Beaufre, b-e-u-f-r-e.

COURT: B-e-u?

MR AZIS: B-e-u-f-r-e.

COURT: F-r-e, Beaufre what?

MR AZIS: Andre Beaufre.

COURT: Okay and Cochrane you said too.

MR AZIS: Cochrane was the lecturer at Wits University, Cochrane.

10 COURT: Okay.

MR AZIS: And there was one lecturer from Unisa.

COURT: Yes?

MR VARNEY: The Truth Commission issue... made a finding in its report that a number of security branch officers, including one Rooirus Swanepoel went to France, possibly on two occasions, he trained in interrogation techniques, are you familiar with Rooirus Swanepoel?

MR AZIS: By reputation, yes.

COURT: Sorry, by?

20 MR AZIS: By reputation.

COURT: By reputation?

MR AZIS: Because many of my comrades were tortured by him.

MR VARNEY: By Rooirus Swanepoel? Do you recall perhaps which, any names of comrades who were interrogated by him?

MR AZIS: Yes, the two Jassid brothers, Doctor Ezzo Jassid, Abdulah Jassid, they were interrogated by Rooirus.

COURT: I did not hear that?

MR VARNEY: Sorry Mr Azis, can you speak up a little?

COURT: *Ja*.

MR AZIS: Two of my comrades, Doctor Ezzo Jassid.

COURT: Okay.

MR AZIS: And his brother Abdulah Jassid.

COURT: Okay.

10 MR AZIS: They were interrogated by Rooirus.

MR VARNEY: Thank you.

MR AZIS: And incidentally he led the attack on the June 16 student uprising.

MR VARNEY: Mr Azis, when you were providing some background, providing some context in which many of these human rights violations during apartheid took place, you mentioned that there was a divide and perhaps some tension between the National Party who you described as exclusively Afrikaans.

20 MR AZIS: Yes.

MR VARNEY: And then the white liberal English speaking minority, most certainly the tensions in those days between Afrikaans and English speakers is on the historical record, but I am just wondering whether the divide that you speak of is necessarily that, but clear and the reason I say that is because

in fact there were many English speakers who were enthusiastic supporters of Apartheid.

MR AZIS: Yes.

MR VARNEY: And not only that, there were many English speakers who were part and parcel of the security branch.

MR AZIS: Yes.

MR VARNEY: Upholding the vicious system of Apartheid and using third degree elements and perhaps the best example of that is none other than Arthur Cronwright.

10 MR AZIS: Yes.

MR VARNEY: And your response?

MR AZIS: Yes, before I answer that question, it is what we called a partnership between fascism and liberal democracy, there was that cooperation, in fact a partnership and that monopoly capitalism or liberal democracy could not exist without fascism, so that they went on. Then in Natal particularly there were quite a few English speaking students at Natal University who were part of nusas, but they were either police informers, police agents or special branch but working
20 under disguise.

MR VARNEY: And in fact, there were also a number of Afrikaners who opposed Apartheid.

MR AZIS: Yes.

MR VARNEY: And many who made the ultimate sacrifice and some names spring to mind such as Bram Fischer.

MR AZIS: Exactly.

MR VARNEY: And Beyers Naude.

MR AZIS: Yes.

MR VARNEY: Not to mention many others.

MR AZIS: Yes.

MR VARNEY: So in fact the divide really was something of an artificial one.

MR AZIS: It was more bloody, *ja*, it was very bloody.

MR VARNEY: No further questions, M'Lord.

10 COURT: Thank you Prof Azis, I do not have any questions for you.

MR AZIS: Okay.

COURT: You may be excused.

MR AZIS: Thank you.

NO FURTHER QUESTIONS

MS SINGH: M'Lord we were to have called another witness, Rosalia Abrahams but she has elected to rather hand in an affidavit, a copy of her affidavit has been circulated to all my colleagues, I beg leave to hand in the affidavit?

20 COURT: Okay.

MS SINGH: And then M'Lord, we have run out of witnesses, the last issue just to bring to his Lordship's attention, I had been informed by the investigating officer that the Nagra machine is in fact in working condition and it is compatible, however there is a problem regarding the servicing of the

machine.

COURT: Okay.

MS SINGH: Which will be done tomorrow, which means that we will only be able to listen to the reel on Friday. I have discussed it with all colleagues, everybody seems to be amenable thereto, so one colleague of each of the teams will travel to a designated place so that they can listen to the tape, I am told that the tape is... the reel itself runs in the duration of 7 hours.

10 COURT: Okay.

MS SINGH: So we will know then by tomorrow what needs to be done.

COURT: Okay.

MS SINGH: We have got nothing further to add now, M'Lord.

COURT: Alright. So are there any witnesses for tomorrow?

MS SINGH: Yes, M'Lord.

MR COETZEE: Yes, M'Lord the, I think we do have a full day of witnesses tomorrow and I must check with my attorneys, but I believe we are starting with the evidence of the architects
20 who were asked to prepare a report on the inspection of John Vorster Square and in particular aspects dealing with the cells and the access routes into the second cell block.

M'Lord, I can tell you that the architect in question would like to present a PowerPoint presentation to show the plans, as opposed to trying to ...

COURT: *Ja.*

MR COETZEE: Show them on big reels of paper, so in the morning, with the leave of the court, we would like to erect a screen together with a projector which we will bring to court.

COURT: Okay.

MR COETZEE: My attorneys advise me that they have already worked out where the screen and projector should be, so that the witness and the court and the parties, together with the gallery and others will have a view, although it might incur a
10 few minutes delay when we set up in the morning.

COURT: That is fine. We will wait until it is finalised.

MR COETZEE: As the court pleases.

COURT: This brings us to the end of the hearing for today, court adjourns until tomorrow the 13th.

COURT ADJOURNS TO 13 FEBRUARY 2020

COURT ADJOURNS

[15:12]

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