

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

CASE NO: 445/2019

DATE: 2020-02-18

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

ADV SCOTT

ADV FAKIR

ON BEHALF OF IMPLICATED SAPS : ADV COETZEE

[Previous SAPS]

ON BEHALF OF SAPS : ADV AMOJEE

[Current SAPS]



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PROCEEDINGS RESUME ON 11 FEBRUARY 2020 [09:36]

COURT: You may proceed.

REGISTRAR: This is the inquest of late Dr Neil Hudson Aggett, case 445/2019.

COURT: Thank you. You may proceed.

MR VARNEY: As the Court pleases.

COURT: Yes. Witness? Thank you. Mr Deetlefs, you are still under oath.

INTERPRETER: Confirmed, My Lord.

10 COURT: Thank you. You may proceed.

MR VARNEY: As the Court pleases. My Lord, I am have just been reminded that I am not robed. [Indistinct] for a moment.

NICOLAS JOHANNES DEETLEFS: (still under oath) (through interpreter)

EXAMINATION BY MR VARNEY: (continued) Mr Deetlefs, I hotel operator you had a good night's rest?

MR DEETLEFS: My Lord, no, I did not.

20 MR VARNEY: Mr Deetlefs, if we can return to your work at the security branch in the early 1980's, what was your particular focus?

MR DEETLEFS: My Lord, I was an investigating officer and it was going hand-in-hand with interrogation, My Lord.

MR VARNEY: I am, I am correct in saying, Mr Deetlefs, that your particular focus was on investigating terrorism and the banned organisations such as the African National Congress?

MR DEETLEFS: Yes, My Lord, that is correct.

MR VARNEY: And, and did your work, besides interrogations, but having to carry out surveillance and monitoring of different suspects?

MR DEETLEFS: Yes, My Lord, indeed.

MR VARNEY: Thank you. Mr Deetlefs, in preparing for giving evidence today I, I assumed that you consulted with your lawyers?

MR DEETLEFS: My Lord, no, we could not because I am
10 under cross-examination but they only told me to speak the truth.

MR VARNEY: Yes, I, I do not think you heard the question correctly. I am not talking about the period under cross-examination. I have no doubt that you have not, you have not consulted. I am talking about in the weeks coming up to giving evidence yesterday.

MR DEETLEFS: Yes, that is correct, My Lord, we did.

MR VARNEY: And am I correct in saying that your lawyers had access to the full record and all the papers connected to
20 this inquest and if you needed to consult perhaps with your own statements you had made at that time, your lawyers could have shown you statements.

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: Thank you. Mr Deetlefs, you, you testified that until you were called into the interrogation room on the 30th of

January you had not met Dr Aggett but you knew that had been arrested.

COURT: He knew that he was in... [Intervened]

INTERPRETER: Oh, thank you, My Lord.

MR DEETLEFS: That is correct, My Lord, I knew.

MR VARNEY: How, how did you know?

MR DEETLEFS: My Lord, normally we would know who is kept in custody at that stage, if there is anyone in custody.

MR VARNEY: Is, is, is this because you would have received
10 briefings from your superiors or your colleagues or perhaps discussed it?

MR DEETLEFS: My Lord, no, it was just in normal conversations.

MR VARNEY: And you, you mentioned in paragraph 4 of your affidavit that you were asked to assist Lieutenant Whitehead but you did not have a background on the interrogations so you were briefed by Lieutenant Whitehead.

COURT: Lieutenant Whitehead.

MR DEETLEFS: My Lord, that is correct.

20 MR VARNEY: And, and did Lieutenant Whitehead, presumably if he briefed you, he would have told you what had transpired in the on-going interrogation, the previous days that Dr Aggett had been questioned.

MNR DEETLEFS: Nee, U Edele, hy het my net daardie spesifieke aand voor die ondervraging het my, het hy ingelig

en het hy aan my 'n bietjie detail verskaf maar siende dat ek nie 'n vakbondkenner was nie, het ek ook maar nie veel onthou van wat hy vir my gesê het nie.

INTERPRETER: No, My Lord, he only informed me on that specific night, he only informed me what transpired on that specific night but because I was not one of the...

COURT: No, he, he did not have knowledge about union activities.

INTERPRETER: Thank you, My Lord.

10 MR DEETLEFS: I did not have any knowledge of union activities.

COURT: *Ja.*

MR DEETLEFS: To, to put it that way, My Lord, that is correct.

MR VARNEY: So, are, are you suggesting that Lieutenant Whitehead did not bother telling you what questions he had previously put to Dr Aggett and what answers he had received and what answers he was not able to extract?

20 INTERPRETER: Can you please just repeat the beginning of the question.

MR VARNEY: So, so did, did Lieutenant Whitehead not give an indication of the kinds of questions that he had already put to Dr Aggett and whether he had received any answers?

MR DEETLEFS: No, My Lord. No, My Lord, he had never discussed any conversation that he had with Dr Neil Aggett, he

never informed me about that.

MR VARNEY: And do I hear your evidence correctly that you are also claiming not to have known that the interrogation had already been on-going for 48 hours.

MR DEETLEFS: No, My Lord, I did not know.

MR VARNEY: So, if you did not know, did you, did you not ask any questions like when did this interrogation start?

MR DEETLEFS: No, My Lord.

MR VARNEY: Mr Deetlefs, I am going to put it to you that,
10 that your evidence is not believable on this point. I want to put it further to you that in the briefing that you would have received from Lieutenant Whitehead, you would have been advised of what had preceded either on the same and the preceding days. And I want to, and, and lastly I want to put it to you that you as an experienced security branch investigator would have wanted to know and would have asked.

MNR DEETLEFS: U Edele, as ek die advokaat reg verstaan sê h yonder andere, dit kom daarop neer dat, ek weet nie wat sy presiese woorde is nie maar dat hy my nie glo nie maar dat
20 ek kan vir hom sê die teendeel is waar, wat ek reeds getuig het is die waarheid en ek het niks, niks, niks geweet van hom nie behalwe die kort detail wat hy vir my gesê het dat dit 'n vakbandman was en, aag, ek kan nie onthou nie maar daar was minimale gesprek.

INTERPRETER: My Lord, if I understand Counsel very well,

Counsel is saying what I am testifying is not the truth but I am saying, My Lord, that what I am testifying now is the truth and I was not informed or, yes, I was not informed in the conversation about the union activist.

COURT: Ja, tell, tell us what did Whitehead tell you about the union activities.

MNR DEETLEFS: U Edele, wat ek kan onthou, onder andere, dat hy in die vakbondbedryf was. As ek reg onthou en dit moet ek ook sê, het ek intussen op televisie gesien wat vir my my
10 geheue meer duideliker gemaak het maar die spesifieke...
[Tussenbei]

INTERPRETER: My Lord, I, I can put it this way, what transpired in the union activities, My Lord, I did not have clarity about what is happening, if I can put it this way and if my memory serves me correct, My Lord, I saw on TV, and when I saw on TV what transpired it became more cleared to me, My Lord.

COURT: No, no look, I am not interested about what you saw on TV. What I want to know, what did Whitehead tell you about
20 union activities?

MNR DEETLEFS: Goed, U Edele, die vakbond wat ek glo ek kan onthou was dat hy by die Food and Canning of derglike vakbondbedrywighede betrokke was.

INTERPRETER: My Lord, what I can remember is about the union activities is that it was involved in, in a Fooding

Canning, My Lord, it was a Fooding and Canning Union.

COURT: Yes.

MNR DEETLEFS: En dat hulle probeer daardeur onrus in die land probeer bewerkstellig het.

INTERPRETER: And that through that they want to bring...

COURT: Unrest, is that unrest?

MNR DEETLEFS: Ja, unrest, ja.

INTERPRETER: Unrest. Thank you, My Lord. What I understood about it, My Lord, that this union activities, they
10 want to bring unrest into the country.

MNR DEETLEFS: Dit is korrek, U Edele.

INTERPRETER: That is correct, My Lord.

COURT: *Ja*, okay.

MR VARNEY: As the Court pleases. So, Mr Deetlefs, I want to show you a complaint made by the late Dr Aggett.

My Lord, this complaint is contained at EXHIBIT B8.55, it is the complaint made by Dr Aggett on the 4th of February 1982 to Sergeant Blom.

COURT: Yes.

20 MR VARNEY: I do have a copy for... Mr Deetlefs, I just want to read the sixth paragraph of this complaint made by Dr Aggett.

MR DEETLEFS: It is in order, My Lord.

MR VARNEY:

“I was kept awake since the morning of 28th January

1982 to the 30th of January 1982.”

INTERPRETER: Sorry?

MR VARNEY: You just have to translate.

INTERPRETER:

“Ek was wakker gehou vanaf die oggend op 28^{ste}
van die 1^{ste} maand 1982 deur die sekuriteit sersant
wat se naam, wat se naam ek nie ken nie.”

[Tussenbei]

MR VARNEY: Just, just wait a minute. I need to read it in
10 and then you translate.

COURT: *Ja*.

INTERPRETER: Okay, thanks. Sorry.

MR VARNEY: So next sentence:

“During the night of 29 January 1982, Lieutenant
Whitehead and another security sergeant whose
name I do not know and another black male, also a
policeman, were present. Lieutenant Whitehead
blindfolded me with a towel. They made me sit
down and handcuffed me behind my back. I was
20 shocked through the handcuffs.”

COURT: Geskok.

INTERPRETER:

“Ek was toe elektries...” [Tussenbei]

COURT: Shocked. It does not say... Does it say electricity?
It just says *geskok*. That is shocked.

INTERPRETER: Yes.

“EK was toe geskok met elektrisiteit deur my handboeie.”

MR VARNEY:

“I do not know what they used to shock me. I was shocked a few times.”

COURT: They did it a few times.

MR VARNEY: Okay so, Mr Deetlefs, this is what Dr Aggett alleges took place in the 48 hours before you arrived. Are you
10 suggesting to this Court that you were received no briefing whatsoever of what transpired during the previous 48 hours?

MR DEETLEFS: No knowledge at all of this, My Lord.

MR VARNEY: So as far as you, you were concerned, you made the assumption that Dr Aggett had a good night's sleep and was simply brought through that morning from the cells.

MR DEETLEFS: Nie die volgende oggend, U Edele, dit was die Saterdagand ongeveer ses namiddag wat ek hom die eerste maal in my lewe gesien het.

INTERPRETER: Not in the morning, My Lord, but it was the
20 Saturday night after six, after six in the afternoon when I he was brought to me and I saw he for the very first time, My Lord.

MR VARNEY: Yes, unfortunately the translation, you, you said, 'die volgende môre' and the question is, Mr Deetlefs, you assumed that when you first saw Dr Aggett, the previous night

he had slept normally.

INTERPRETER: When he saw Dr Aggett for the first time you are saying?

MR VARNEY: Mr Deetlefs must have made the assumption that the previous night, that the Friday night he slept normally in a cell.

MNR DEETLEFS: Ja, U Edele, hy het vir my so voorgekom.

MR DEETLEFS: Yes, My Lord, yes that is how he, that is how, My Lord, I have seen him.

10 MR VARNEY: So I want to put to you, Mr Deetlefs, that your evidence is so highly improbable and we will argue that it is false.

COURT: Vals.

MNR DEETLEFS: U Edele, dit is sy reg om dit te doen om, om, maar ek is ten sterkste gekant daarteen. Ek, ek ontken ten sterkste wat hy nou beweer dat ek enigsins vals getuig het.

INTERPRETER: My Lord, it is, it is the counsel's right to do so but strongly disagree with what he is saying.

20 MR VARNEY: You also testified that when you were interrogating Dr Aggett he was comfortable, he was relaxed and that you had a good relationship with him.

MNR DEETLEFS: U Edele, dit is korrek en as ek dit 'n bietjie langer mag rek en aan u verduidelik, wees die feit dat hy 'n mediese dokter is, het ek my respek teenoor hom betoon en ek het vir hom gesê dat hy my op voornaam as Nic kan aanspreek

en terselfdertyd het ek hom as Neil aangespreek.

INTERPRETER: My Lord, that is correct and if I have to elaborate further, is that, and, and also to explain further, My Lord, is that because he was a medical practitioner or a medical doctor, I had big respect for him and I also, I also told him that he can call me Nic and at the same time I also spoke, when I referred to him or when I speak to him, My Lord, I was saying, I was..., I was calling him Neil.

MR VARNEY: So not, notwithstanding those circumstances,
10 Dr Aggett did not disclose that he had been kept awake for 48 hours and had been tortured by way of electric shocks.

MNR DEETLEFS: Ja, weer eens herhaal ek, U Edele, ek het geensins kennis gedra daarvan nie en hy het ook geensins melding gemaak van die behandeling wat hy ontvang het, sou daar enige vorige ondervragings gewees het nie.

INTERPRETER: My Lord, again I am saying I bear no knowledge of that and again he did not mention any of the sort in the interrogation.

MR VARNEY: Now, Mr Deetlefs, you, you have said that you
20 did not have a background on the Aggett interrogation and moreover you had no background or understanding for trade unions. So why were you brought into this interrogation?

MNR DEETLEFS: U Edele, ek het ook gewonder hoekom want die ander twee ouens het niks van ondervraging gewheet volgens my nie, dit is nou Whitehead en Woensdregt...

[tussenbei]

INTERPRETER: My Lord, I... My Lord, I also wondered... U
sê u het ook gewonder

MNR DEETLEFS: Hoekom ek saam met daardie twee
onervare mense daar was.

INTERPRETER: I also wondered why I had to be with those
two people in the interrogation, that is now Whitehead and
Woensdregt, My Lord.

COURT: But do you say they were also inexperienced, he
10 says *ervare*. Who was experienced or inexperienced?
Onervare?

MNR DEETLEFS: Ja, U Edele, Luitenant Whitehead sowel as
Luitenant Woensdregt...

COURT: *Ja?*

MNR DEETLEFS: Was volgens my heeltemal onervare as
ondersoekbeamptes en as ondervraging... [tussenbei]

INTERPRETER: My Lord, yes, that is Lieutenant Whitehead
and as well as Woensdregt. They were inexperienced, they
were total inexperienced.

20 COURT: As interrogators and investigators.

MR DEETLEFS: That is correct, My Lord, as interrogators
and also as investigators.

COURT: And you say, and you say you wondered why they,
they teamed them up with you?

MNR DEETLEFS: U Edele, ek het gewonder maar...

INTERPRETER: Yes. Yes, My Lord, I did wonder but...

MNR DEETLEFS: Ek het myself gesien as 'n persoon wat die vermoë gehad om ondervraging behoorlik te doen.

INTERPRETER: My Lord, and I saw myself as the person who had...

COURT: *Vermoë*. He has used the word '*vermoë gehad*'.

INTERPRETER: Vermoë?

MNR DEETLEFS: Ja, dit is korrek.

HOF: Wat is vermoë? Experience.

10 INTERPRETER: My Lord, I saw myself as the person who had more experience to do the interrogation.

MNR DEETLEFS: Dit is, dit is korrek, U Edele.

INTERPRETER: That is correct, My Lord.

MR VARNEY: Now, Mr Deetlefs, did you question Neil Aggett in English?

MNR DEETLEFS: Dit is korrek, U Edele, maar as ek kan reg onthou het daar tog, soms tog 'n Afrikaanse woord of 'n kort gesprekkie in Afrikaans voorgekom maar dit is wat ek kan onthou. Ek kan verkeerd maar dit is wat ek onthou.

20 INTERPRETER: Yes, My Lord, but I would, there, in the conversation itself there would come a shortfall or a, a Afrikaans word or was, was mentioned...

MNR DEETLEFS: Kort gesprek.

INTERPRETER: In the conversation itself, My Lord, there would come shortfall of Afrikaans... [Intervened]

COURT: Short, short discussions.

INTERPRETER: Short discussions.

COURT: *Ja*.

INTERPRETER: Of Afrikaans, My Lord, and that is also if my memory serves me correct. I, I can be wrong, maybe, My Lord.

MR VARNEY: When you were speaking English, did Mr Aggett what you were saying?

MR DEETLEFS: Dit is korrek, U Edele, want tot op daardie
10 stadium was, sover ek kan onthou, al die aangehoudenes wat ek ondersoek en ondervra het, van watter ras ookal, was Engelssprekend.

INTERPRETER: Yes, My Lord, and at that stage all the people that was incarcerated, My Lord, irrespective of the race, all of them were conversing in English.

MNR DEETLEFS: En sodoende het ek dan ook die Engelse taal beter en beter leer ken.

INTERPRETER: And in that manor, My Lord, I also learnt the English language more and more.

20 MNR DEETLEFS: Dit is korrek, U Edele.

MR VARNEY: Mr Deetlefs, you are actually, in order to carry out these interrogations, because all your detainees were English speakers, so you are in fact fluent in English.

TOLK: So om dit nou te kan doen of die interogasie [?] nou voort, plaas te laat vind, omdat julle het voortgegaan in

Engels, so u is, u is goed in Engels.

COURT: Fluent.

TOLK: *Fluent*, of u is *fluent* in Engels. U Engels is *fluent*.

MNR DEETLEFS: U Edele, ek sal geensins sê dat ek vlot in Engels is nie maar ek kon die ondervraging verstaan.

INTERPRETER: My Lord, I will not say that I am, I am fluent in English but I could understand, I could understand the, My Lord, the questions that was put forward.

MNR DEETLEFS: Dit is korrek.

10 MR VARNEY: Yes, I am, I am, I am not talking about today, I am, I am talking about you had to be fluent in English in order to carry out interrogations of English speakers.

MNR DEETLEFS: U Edele, ek sal my glad nie beskou as vlot in Engels nie en vandag nog in 'n mindere mate is ek 'n vlot Engelssprekende.

INTERPRETER: My Lord, I would not say that I was fluent in English. Even up until today, My Lord, I am not fluent in English.

20 MR VARNEY: So, Mr Deetlefs, I want to read to you a statement you have made in paragraph 6 and, and this is your affidavit that your lawyers took from you and filed in this court.

MNR DEETLEFS: Ja, U Edele, as die advokaat net vir my kan verwys... [tussenbei]

MR VARNEY: Sorry, Mr, Mr Deetlefs, I have not got the question yet.

MNR DEETLEFS: Ekskuus tog.

MR VARNEY: I am going to read the sentence and then I will put the question. So the, the quote is:

“I may mention that my tactic during interrogation was to put detainees at ease and win their trust.”

COURT: What is trust in Afrikaans.

MR COETZEE: May I suggest, and I want to object here but the, the statement was drafted and signed in..., Afrikaans that perhaps the Afrikaans version should be put to him if he, if, if
10 he want to be questioned about it. He, he did not do the translation, My Lord. His, his statement was done in Afrikaans.

COURT: Well, I think the word was... What is the word trust in Afrikaans? In, in...

MR COETZEE: Vertroue.

INTERPRETER: Vertrou.

COURT: Vertroue.

INTERPRETER: Yes, vertroue, My Lord. Dat u ook, dat u ook die, hulle...

20 HOF: Vertroue win.

TOLK: Hulle vertroue oorwen [?].

MR DEETLEFS: My Lord, that is correct.

MR VARNEY: Alright, I am, I am, I am going to take on Mr Coetzee's suggestion and complete the quote in Afrikaans.

“Sodoende het ek baie sukses behaal en telkens dit, die

inligting bekom wat deur die veiligheidstak verlang was.”

COURT: Yes, translate that, translate into English, please.

INTERPRETER: *Ons* be not at it yet, My Lord.

COURT: No, no, paragraph 6 of the Afrikaans one.

INTERPRETER: Thank you, My Lord.

COURT: Have you got, have you got the Afrikaans statement?

INTERPRETER: I have got the Afrikaans statement.

COURT: *Ja*, go to paragraph 6 on page 4.

INTERPRETER: *Ja*, there. We have got it, My Lord.

10 COURT: *Ja*. Starting from the, the sentence, the sentence;
'*Sodoende...*'

INTERPRETER: The sentence... [Intervened]

COURT: It has already been read to him in, in Afrikaans. You have to translate what is written there into English now.

INTERPRETER: Oh. Where, must I start on... [Intervened]

COURT: No, no, '*Sodoende...*' From where '*sodoende..*', you can read it and then understand it.

INTERPRETER: Oh, I see it.

MR VARNEY: My, My Lord, would it help if I, if I read in
20 Afrikaans and then repeat the English translation...
[Intervened]

COURT: *Ja*, maybe, maybe it will make it quicker.

MR VARNEY: My friend, my learned friend want to object to that [indistinct – 10:16] [speaking simultaneously]

COURT: *Ja*.

MR VARNEY: Okay. What I am going to do is I am going to read it first in Afrikaans and then because your lawyers have provided us with us with an English translation, I will then read that translation and then I will pose the question.

COURT: Ja.

TOLK: Verstaan u dit?

MNR DEETLEFS: Ja.

TOLK: Dit gaan gelees word in Afrikaans en dan gaan die advokaat dit dan weer lees in Engels in en na dit gaan die
10 vraag gestel word aan u.

MR DEETLEFS: That is correct, My Lord.

MR VARNEY:

“Ek kan hier meld dat my ondervragingstaktiek was om die aangehoudenes op hulle gemak te stel en hul vertrouwe te wen. Sodoende het ek baie sukses behaal en telkens die inligting bekom wat deur die veiligheidstak verlang was. Ek het nie geweld gebruik om aangehoudenes te intimideer nie aangesien, aangesien ek van mening was dat dit nie
20 suksesvol was nie en eerder ‘n persoon op sy gemak laat voel.”

And now I will put that to you in English.

“I may mention here that my tactic during interrogation was to put the detainees at ease and to win their trust. In this way I had a lot of success

and time and again obtained the information that the security branch needed. I do not use force to intimidate the detainees as was of the opinion that it was not successful and rather put a person at ease.”

So, Mr Deetlefs, here is the question, I put, I put it to you that if this is the truth then it is, you appear to be suggesting that you did try force and from trial and error or experience, it did not work for you.

10 MNR DEETLEFS: Kan u net herhaal, ekskuus, mnr Advokaat.

MR VARNEY: Yes, I will, I will repeat it for you. I am putting it to you that if you have written the truth here then you are suggesting that you have tried force but you found it did not worked.

MNR DEETLEFS: Kan ek maar antwoord?

MR VARNEY: Yes.

MNR DEETLEFS: U Edele, ek het nie, ek weet nie waar staan dit dat ek force nie, of gebruik het en toe nou hiernatoe oorgeskakel het, as u net... [Tussenbei]

20 INTERPRETER: My Lord, I do not know where it contains that I, that I used force. I do not know where is it contained.

MR VARNEY: No, it is, it is not contained anywhere there. I am putting it to you, you did use force and you found that it did not work.

COURT: Geweld, u het geweld gebruik.

MNR DEETLEFS: Dit kon in my aanvanklike loopbaan gewees het, U Edele.

INTERPRETER: That could have been in my, in, in my career.

COURT: Originally.

INTERPRETER: Originally in my career, My Lord.

COURT: *Ja*.

INTERPRETER: Thank you, My Lord.

MNR DEETLEFS: Maar ek is geweld, ek is gekant teen geweld en ek het dit nog nooit gesien as 'n oplossing om die
10 waarheid uit 'n aangehoudene te verkry nie.

INTERPRETER: But, My Lord, I am against violence. I have never thought, think, thought of violence can be a solution.

MR VARNEY: So if I hear you correctly, Mr Deetlefs, you are accepting that sometime in your career you did use force but you discovered that it did not work for interrogation.

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: And what kind of force or violence did you use previously in your career?

MNR DEETLEFS: U Edele, ek sal so persoon miskien 'n, 'n
20 klap gegee het, wel, in die gesig.

INTERPRETER: My Lord, I would give a person a slap, My Lord, in the face.

MR VARNEY: Perhaps on the ear as well?

MNR DEETLEFS: Nee, ek dink dit is 'n..., 'n baie gevaarlike situasie.

INTERPRETER: No, I think it is very dangerous situation.

MNR DEETLEFS: Aangesien dit 'n mens se oordrom kan beseer of dalk kan laat bars.

INTERPRETER: Because a person's eardrum can be injured or can be broken or burst, My Lord.

MR VARNEY: You have, you have also testified that you never witnessed any, any assaults being carried out by other officers.

MR DEETLEFS: That is correct, My Lord.

10 MR VARNEY: So the conclusion you draw here must be exclusively on the basis of your own experience, your own use of, of violence.

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: And can I assume that the violence that you did apply previously albeit unsuccessfully, was done on the 10th floor, John Vorster Square.

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: And which detainees did you apply that violence to?

20 HOF: Aangehoudenenes.

INTERPRETER: Aangehoudenenes. Thank you, My Lord.

MR DEETLEFS: My Lord, it was so few of them, just little of them, My Lord. The ones which I can remember is like Barbara Hogan.

MR VARNEY: Any others?

MR DEETLEFS: I cannot remember of any others, My Lord.

MR VARNEY: Well, we will return to Barbara Hogan in due course. Did you ever assault a detainee by the name of Karl Niehaus?

TOLK: Het u al enige... Het u al enige, is dit nou aangehoude... [tussenbei]

COURT: Carl Niehaus is the name of a person.

TOLK: Het u enige persoon met die naam Nielhause...
[Intervened]

10 COURT: Carl Niehaus.

MR VARNEY: Carl Niehaus.

INTERPRETER: Carl Niehaus.

COURT: Aangerand.

TOLK: Het u al enige persoon met die naam Carl Niehaus aangerand?

MNR DEETLEFS: Ek was die ondersoekbeampte, U Edele, ek het hom ondervra en ek sien hy noem in sy boek wat hy geskryf het dat ek hom geklap het en hy lieg. Ek het nog nooit iemand gesien wat kan lieg soos hy nie.

20 INTERPRETER: My Lord, I... I am the one, My Lord, who interrogated him, My Lord, and I also saw in his book, the book that he is the author of, My Lord, he mentioned that I, I assaulted him but, My Lord, he is lying and I have never come across a person who can lie that much.

MR VARNEY: So returning to your interrogation of Dr Aggett

on the 30th of January 1982. So in your evidence in chief you have already told us about how you respected him as a medical doctor and you claimed that you called him Neil and he called you Nic.

MR DEETLEFS: My Lord, that is correct.

MR VARNEY: And you further said in your evidence in chief he was relaxed and I can add that this is the only situation that I can remember in my career of such a special relationship, I imagine between the two of you.

10 TOLK: En u het ook genoem dat hy, hy, hy was, hy het, hy was ontspan [?] en, en u het ook gesê u onthou dat die 'n baie spesiale persoon in u loopbaan, dat n..., 'n spesiale verhouding wat julle gehad [?] het.

MR VARNEY: The quote was that this is the only situation that Mr Deetlefs' can remember of, of such a good relationship.

MNR DEETLEFS: Nee, U Edele, ek het baie goeie verhoudings gehad met baie aangehoudenes.

INTERPRETER: No, My Lord, I had very, I had very good
20 relationship with some of the detainees.

MNR DEETLEFS: Maar... [Tussenbei]

COURT: Sorry, did he say some or many?

TOLK: Het u, het u gesê baie of paar.

MNR DEETLEFS: Geen.

TOLK: Nee, nee... [Tussenbei]

MNR DEETLEFS: Ekskuus tog, U Edele. Ek het gesê ek het met baie aangehoudenes wat ek ondervra het goeie verhoudings gehad.

COURT: *Ja.*

INTERPRETER: My Lord, I said many of them, of the detainees where I had a good relationship.

MNR DEETLEFS: En as ek kan byvoeg, hierdie geval van dr Neil Aggett... [Tussenbei]

INTERPRETER: And if I have to add, the situation of dr Neil
10 Aggett...

MNR DEETLEFS: Was die enigste geval waar ek 'n persoon toegelaat het om my op my voornaam aan te spreek en ek praat nou van 'n aangehoudene wat ondervra is.

INTERPRETER: My Lord, that it was the first time, My Lord, in such a situation where I detainee would call on my, on my name.

COURT: You allowed him to use your first name?

MR DEETLEFS: My Lord, that is correct, where I allowed him to use my, my, my first name.

20 MNR DEETLEFS: Dit is korrek, U Edele.

MR VARNEY: So, so this then was a quite a special situation because that had happened before.

MR DEETLEFS: My Lord, prior and also thereafter, never.

MR VARNEY: Now you, you testified that at some point Lieutenant Whitehead and Woensdag excused themselves and

they, they left you on your own with Dr Aggett.

MR DEETLEFS: My Lord, that is correct.

MR VARNEY: So my question is, is it, is it allowed by way of procedure for an interrogator to be with a detainee alone with nobody else.

MNR DEETLEFS: U Edele, wat gebeur het is, as ek 'n swart persoon sou ondervra, U Edele...

INTERPRETER: My Lord, what would actually happen is if I would interrogator a black person...

10 MNR DEETLEFS: Sou ek gebruik gemaak het van een van ons lede om as tolk op te tree.

INTERPRETER: I would then made use of one of our members to, to help us as an interpreter.

MNR DEETLEFS: En ek beskou dit nie as 'n uitsondering nie. Ek het baie mense ondervra waar ek alleen met hom was en ek die vertroue gehad het.

INTERPRETER: And I am not saying it something unique but there is many times where I would be alone with a detainee...

20 MNR DEETLEFS: En die vertroue gehad het dat daar nie 'n probleem was om die persoon te ondervra nie.

INTERPRETER: Where I would be alone with a detainee and I would have the confidence that their will not be any problems.

MR VARNEY: So, so there was no rule against interrogating a detainee just by one interrogator?

MR DEETLEFS: No, My Lord. My Lord, it would, only when if

it is a female detainee, I would then request for a female to be present.

COURT: Female police officer or a female security branch officer? Police officer or security officer?

MR DEETLEFS: It would be, it would be someone maybe that is given to us for a time frame that would be given to us, My Lord, from the uniform branch. That is correct, My Lord.

MR VARNEY: Now perhaps once you have completed an interrogation, would you have to fill out a form or some
10 register indicating the time period in which the interrogation took place and who was present.

MR DEETLEFS: No, My Lord.

MR VARNEY: So there was never any written record of who have interrogated what detainee and when?

MR DEETLEFS: That is correct.

MR VARNEY: Now you say in paragraph 7 of you affidavit filed before this court, you indicate that Dr Aggett told you about his personal life and you gradually steered the conversation in the direction of the information you needed.

20 MR DEETLEFS: That is correct, My Lord.

MR VARNEY: And what was the information that you needed.

MR DEETLEFS: My Lord, I enquired or I needed information that goes around the union activity and the, and, and of the crimes that the, his union was doing. Yes, My Lord, about the, the crime that was transpiring or that was being done by his

union.

MR VARNEY: And during that interrogation, did you extract from Dr Aggett any such crimes that had been committed?

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: And, and with crimes were they?

MNR DEETLEFS: U Edele, ek kan, om eerlik te sê, 38 jaar gelede, ek, kan ek vandag sê dat ek nie kon onthou wat dit was nie.... [Tussenbei]

INTERPRETER: My Lord, honestly what I can tell this Court,
10 this was 38 years ago, I cannot remember what it was...

MNR DEETLEFS: En dit, dit was wel deur hom in 'n verklaringvorm en in my nota's neergeskryf wat dit sou behels.

INTERPRETER: But it is, it is mentioned in a statement that was given by him and it, it is contained, My Lord, in the statement that he gave to me.

MNR DEETLEFS: U Edele, as ek net mag verder daarop uitbrei...

INTERPRETER: My Lord, if I can just elaborate more about that...

20 MNR DEETLEFS: Wat hy aan my meegedeel het, wat vir my uitgestaan het...

INTERPRETER: What he informed me, something which stood out...

MNR DEETLEFS: Was die feit dat sy beste vriend en, waar van hy natuurlik kennis gedra het as dit sy best vriend was, dit

sogenaamde ondergrondse leier van SACTU in Suid-Afrika was en dat hulle met ander woorde 'n verhouding en 'n verbintenis gehad het tot moontlike misdryf.

INTERPRETER: My Lord, he informed me about his best friend and he also confirmed this person to be his best friend that had a... U sê wat 'n ondergrondse... Kan u net dit vir my...

COURT: He was an underground leader of SACTU. SACTU is a union.

10 INTERPRETER: Thank you, My Lord. He confirmed that he, that person was his best friend and that person was a underground member of SACTU and he was also..

COURT: An underground leader of... [Intervened]

INTERPRETER: He as a underground...

COURT: Of SACTU.

INTERPRETER: Yes, My Lord. Of SACTU.

MNR DEETLEFS: Ja, en die, en die persoon se naam was, ek was op 'n stadium nie seker of Jan of Johan Theron was nie maar hy was van die Kaap – dit het ek geweet.

20 INTERPRETER: My Lord, the person's name was, I was not sure if it was Jan Theron or Johan Theron but he was from the Cape.

MR VARNEY: And is, is this something that you can remember yourself or, or perhaps because you consulted the statements made Neil Aggett that part of the first inquest

record.

MNR DEETLEFS: Nee, U Edele, as die advokaat reg onthou het ek aan Dr Tori Pretorius, ek weet nie of dit in 2018 of 2019 was, reeds 'n handgeskrewe nota voorgelê het waarin dit wat ek nou sê, behels word.

INTERPRETER: No, if counsel can remember, there is a Dr Tori Pretorius, I cannot remember if it, if it was in they year 2018 or the year 2019 where a written down, a hand written note, where there is a written down note where it contains
10 such information.

MNR DEETLEFS: Hierdie spesifieke aspek wat ek nou uitgelig het van die Neil Aggett.

INTERPRETER: Where it contains this specific information which I just named, which Dr Aggett gave.

MR VARNEY: My, My Lord, the witness is referring to the unsigned, undated handwritten statement taken by Adv Pretorius, that is G36 I believe.

COURT: Yes.

MR DEETLEFS: No, My Lord.

20 MR COETZEE: My Lord, it was... The evidence is not that it was a statement that was taken by Dr Tori Pretorius. The evidence was that it was an7 information note that, that Mr Deetlefs prepared long before Mr Pretorius arrived at him.

INTERPRETER: Witness says that is correct, My Lord.

COURT: Ja, but is... Is that the G36?

MR COETZEE: Yes, that is the correct document.

COURT: *Ja*.

MR COETZEE: Thank you.

MR VARNEY: My, my, my apologies. My, my, my learned friend Mr Coetzee is, is correct. The witness has alleged that this document was not a statement taken by Dr Pretorius but rather one that he gave Dr Pretorius although as we submitted in the evidence yesterday, it certainly has the format of a declaration of statement and the, the corrections had been
10 initialled.

Yes so, Mr Deetlefs, you, you do mention in paragraph 7 of your information note, as you call it, and so what, what you have testified about, it is Mr Jan Theron, not, not Johan Theron.

TOLK: Wat u nou van getuig het, dit is...

MR VARNEY: Jan, not Johan.

TOLK: *Okay*, dit is Jan Theron, nie Johan Theron nie.

MR VARNEY: That is reflected in paragraph 7 of your information note but if I can also draw your attention to what
20 you say in paragraph 8 of your information note.

“Further I can say with honesty, I cannot remember anything else he told me...”

Are you at paragraph 8?

INTERPRETER: No.

MR VARNEY: Of the information note. I will... Let me, let me

read it because I do not think you have it.

INTERPRETER: No, we do not have the information note, My Lord.

COURT: No, no... [Intervened]

MR VARNEY: Mr Deetlefs, you, you say that you, you honestly could not remember anything else that he told you.

INTERPRETER: Can you just repeat that for me?

MR VARNEY: He could not honestly remember anything else he told him.

10 MNR DEETLEFS: Dit is korrek, U Edele, maar dit het vir my besonders uitgestaan want daar is 'n ander gebeurtenis wat terselfdertyd plaasgevind het... [Tussenbei]

INTERPRETER: That is correct, My Lord, that is something in the statement would, which stood out and there is another, there is something else that happened or transpired, My Lord, in his statement... [Intervened]

MR VARNEY: Yes, but, but, but may, may I finish the, the question because I was simply quoting to you. You said:

20 "I read his completed statement but unfortunately I cannot remember what was written therein."

And then you say:

"If a crime was mentioned therein, I would certainly have remember it."

MNR DEETLEFS: Nee, U Edele, ek kan, ek kan dit nie sê nie... INTERPRETER: No, My Lord, I cannot say that but...

MNR DEETLEFS: Soos ek reeds gesê het, dit is wat vir my uitgestaan het en die rede hoekom dit vir my uitgestaan kan ek verduidelik.

INTERPRETER: And that is why I said, My Lord, that was something that stood out for me and the reason why it stood out for me, or it was standing out for me, I can explain.

MR VARNEY: Please do.

MNR DEETLEFS: U Edele, terwyl ons ondervraging dan nou maar gedoen het...

10 INTERPRETER: My Lord, whilst we were busy with the interrogation..

MNR DEETLEFS: Was dit 'n langerige, kom ons sê nou maar kombuistafel tipe tafel...

INTERPRETER: It was a...

MNR DEETLEFS: Tipe kombuistafel.

INTERPRETER: It was...

COURT: A long kitchen, kitchen table.

INTERPRETER: It was long, long kind of kitchen table.

20 MR VARNEY: Mr Deetlefs, I must interrupt you because you are now moving onto some other aspect of your evidence but we will get to.

MNR DEETLEFS: Nee... [Tussenbei]

MR VARNEY: We, we, we will get to the tablecloth shortly. Mr Deetlefs, I am, I am asking the questions here.

MR COETZEE: My Lord, with... My Lord, with great respect,

the witness did not talk about the tablecloth now. He was describing the table where they sat.

COURT: Ja... [Intervened]

MR COETZEE: He was not describing a tablecloth.

COURT: Who, who said the tablecloth?

MR VARNEY: Sorry, [indistinct – 10:48] I thought he said *tafel* something and I, I assumed it was a tablecloth. [Speaking simultaneously]

COURT: Okay... [Speaking simultaneously]

10 MNR DEETLEFS: Nee.

MR COETZEE: [Indistinct – 10:48] tafeldoek en die tafel is verskillende goed.

COURT: No, I did not have a tablecloth.

MR VARNEY: Oh, okay. I apologise, Mr Deetlefs, carry on about the table.

MNR DEETLEFS: Dankie. U Edele, hy het aan daardie punt van die tafel gesit en ek het aan die punt van die tafel gesit, elkeen op 'n, ons het teenoor mekaar gesit, ver van mekaar af.

20 INTERPRETER: My Lord, he was sitting on that side of the table and I was sitting on this side of the table. We were sitting far away from one another.

MNR DEETLEFS: Ja, U Edele, en hy het toe nie normaalweg opgestaan nie. Hy het, hy het soort van baie vinnig opgestaan, amper kan jy sê, opgespring.

INTERPRETER: My Lord, he did not stand up normally. I

can, I can say he, he, he jumped up.

MR VARNEY: When, when you say, you are talking about Dr Aggett or Dr Pretorius?

MNR DEETLEFS: Ekskuus, U Edele, dit gaan oor die ondervraging van Dr Neil Aggett.

INTERPRETER: I am sorry, My Lord, it, this goes around or about the interrogation of dr Neil Aggett.

MNR DEETLEFS: U Edele, hy het opgestaan en aan my gesê hy wil nou graag die waarheid praat.

10 INTERPRETER: My Lord, he stood up and he said to me he want to tell the truth now.

MNR DEETLEFS: En toe het hy meegedeel, soos wat ek reeds getuig het...

INTERPRETER: He then informed me, My Lord, what I have already testified about.

MNR DEETLEFS: En dat Jan Theron, soos ek dit op daardie stadium onthou het, die, die leier van SACTU was in Suid-Afrika.

20 INTERPRETER: That Jan Theron was the leader of SACTU of South Africa.

MNR DEETLEFS: En hy het ook toe terselfdertyd gesê maar nou weet ek nie, hoe gaan ek myself vergewe.

INTERPRETER: He, at, in the same breath, My Lord, he also mentioned, said, he also said, now I do not know how am I am going to forgive myself.

MNR DEETLEFS: Aangesien ek my beste vriend, Jan Theron, verraai het.

INTERPRETER: Because now I am... I am backstabbing my best friend, Jan Theron.

I do not know, My Lord, I am not sure of...

COURT: Betray, betrayal.

INTERPRETER: Betrayed, My Lord. Thank you. Betrayed.

Because now I have betrayed my best friend who is Jan Theron.

10 MNR DEETLEFS: En dan wat ek miskien net wil byvoeg, U Edele...

INTERPRETER: Wat I also want to mention, My Lord...

MNR DEETLEFS: Terwyl dr Neil Aggett geskryf het...

INTERPRETER: And whilst dr Neil Aggett was busy writing...

MNR DEETLEFS: Het hy gevra of hy my naam in sy verklaring kan neerskryf...

INTERPRETER: He also asked me if he could mention my name in his statement.

20 MNR DEETLEFS: ...aangesien ek die persoon is teenoor wie hy dit erken het.

INTERPRETER: ...because I was the person who he admitted it to.

MNR DEETLEFS: ...en ook dat ons 'n baie goeie verhouding gehad het en hy wou dit graag meld.

INTERPRETER: And also because we had a very good

relationship and he also want to, to, to mention it.

MNR DEETLEFS: Toe het ek vir Dr Aggett gesê ek sien nie dit as 'n nodigheid nie.

INTERPRETER: I then said to Dr Aggett, I do not see it to be necessary.

MNR DEETLEFS: Dit is korrek, U Edele.

INTERPRETER: That is correct, My Lord.

MR VARNEY: So, I see this is already reflected in your affidavit before Court but are you suggesting that this is also
10 what you told Adv Tori Pretorius?

MR DEETLEFS: As my geheue my nie in die steek laat nie, U Edele, verbeel ek my ek het dit ook daarin genoem.

INTERPRETER: My Lord, if my memory does not, if my memory serves me correct, My Lord, I assume that I have mentioned it.

COURT: You know, I am, I am still waiting to hear from you, what did Neil say, what is the crime that Jan Theron has committed? I am still waiting to hear that.

MNR DEETLEFS: Goed, U Edele. Dit het daarop neergekom
20 dat hy gesê het Jan Theron...

INTERPRETER: It, it came to where he mentioned that Jan Theron...

MNR DEETLEFS: Vakbonde georganiseer het...

INTERPRETER: Unions, that he, he organised unions.

MNR DEETLEFS: Sodat daar onrus, met ander woorde

arbeidsonrus in die land kon ontstaan.

INTERPRETER: So that unrest can transpire in the country.

MNR DEETLEFS: Ja, en dat die hoofdoel was van dit wat, wat hy gedoen het...

INTERPRETER: And the main purpose of what he was doing...

MNR DEETLEFS: Was, ek weet nie of ek dit nou in, in, die sinne omdraai of nie omdraai nie, maar dit het neergekom op die feit dat hulle Suid-Afrika se ekonomie wou saboteur en
10 sodoende die land se ekonoie wou lamlê.

INTERPRETER: That... And witness is also saying that, My Lord, that I do not know if this is how I am going to put my sentence or I will be turning around, swapping around my sentence but that they want South Africa, they want to bring down the economy in South Africa.

Is dit wat u sê?

MNR DEETLEFS: Ja, ek weet nie of die, ek aanvaar u vertolking is korrek na die Engelse taal. Ek is nie heeltemal seker nie maar ek dink dit is min of meer wat ek gesê het, U
20 Edele.

INTERPRETER: I accept that the interpretation of what I have just mentioned could be more and..., more or less what I have just said.

COURT: Sorry, so Neil told you that Jan Theron is organising unions to bring down the economy of the country.

MR DEETLEFS: That is correct, My Lord, that is what it is.

COURT: And you, and you wrote that down in that original statement?

INTERPRETER: He, My Lord? He?

COURT: You, you.

MR DEETLEFS: *Ja*, as ons verwys na die oorspronklike verklaring en nota's dan sal dit die wees op die 30^{ste} Januarie van 1982 waar my nota's dit sou breedvoering sou bespreek het of, of aangehaal gewees het.

10 INTERPRETER: My Lord, yes, if, if we refer to the statements, My Lord, then it would have transpired or happened on the 30th of January in the year 1982, My Lord, where that, that it was mentioned in the statement.

MNR DEETLEFS: En ek wil... [Intervened]

COURT: So, so...

MR COETZEE: My Lord, that is not correct. [Speaking simultaneously]

MR VARNEY: [Indistinct – 10:57] [Speaking simultaneously]

COURT: Wait, wait... Yes.

20 MR COETZEE: My Lord, he says in his notes. He does not say it was in the statement.

COURT: *Ja*.

MR COETZEE: It was in his notes.

COURT: So, *ja*, sorry did you put it in your notes or was that in the statement by Neil?

MR DEETLEFS: Dit was in, in beide, U Edele.

INTERPRETER: It was in both of it, My Lord.

COURT: Okay.

MNR DEETLEFS: En kan ek net, ekskuus U Edele, byvoeg?

INTERPRETER: My Lord, can I also just mentioned, add this?

MNR DEETLEFS: My geheue is, moet ek sê na al die tyd bietjie swak... [Tussenbei]

INTERPRETER: My Lord, I must say that my memory is a bit weak.

10 MNR DEETLEFS: Maar dat Neil Aggett ook kon, kon gemeld het wat sy betrokkenheid saam met Jan Theron kon gewees het.

INTERPRETER: My Lord, that Neil Aggett's involvement could have been with this of Jan Theron.

MNR DEETLEFS: Dit is korrek, U Edele.

INTERPRETER: That is correct, My Lord.

COURT: Did you mention that in your statement?

MNR DEETLEFS: Ek dink ek het, U Edele, as my, as my geheue my nie in die steek laat nie.

20 INTERPRETER: My Lord, I think I did if my memory serves me correct.

COURT: Okay, thank you. Sorry, Counsel, you may proceed.

MR VARNEY: Thank you, My Lord. My, My Lord, just to perhaps assist the proceedings, I, I am getting the impression that the illegality or the criminality that the witness is, is

alleging Aggett disclosed is that Jan Theron was a member, and perhaps even an underground leader of a banned organisation, the South African Congress of Trade Unions, SACTU. Is, is, is that correct, Sir?

MR DEETLEFS: That is correct, My Lord.

MR VARNEY: Now, Mr Deetlefs, I, I assume that in preparing for today, you were given access to the statements that Dr Aggett made and what were exhibits before the first inquest.

MNR DEETLEFS: Nee, U Edele. Ek het niks ontvang of enige
10 dokument of verklaring van Dr Neil Aggett nie, tot op hede nie.

INTERPRETER: My Lord, no, I did not receive any statements or anything that dr Neil Aggett has given.

MR VARNEY: We will, we will make reference to those statements in due course.

MNR DEETLEFS: Dit is korrek, U Edele.

MR VARNEY: Yesterday we handed up an affidavit from Mr Jan Pierre Theron as EXHIBIT G35 and Mr Theron confirms that Adv Pretorius did show your handwritten note to him.

INTERPRETER: Adv Pistorius?

20 MR VARNEY: That, that the handwritten information note of Mr Deetlefs was shown by Adv Pretorius to Jan Theron. The, the handwritten note was shown by Adv Pretorius to Jan Theron.

TOLK: Die hand, die handskriftelike [?] nota was gewys vir Jan Theron van mnr Pretorius, adv Pretorius... [Tussenbei]

COURT: No, no...

TOLK: Adv Pretorius het vir Jan Theron die, die geskryfde nota gewys.

HOF: Ja, wat hy geskryf het.

TOLK: Wat u geskryf het.

MNR DEETLEFS: U Edele, ja... [Tussenbei]

MR VARNEY: I am not asking you to respond to it. I am just putting it to you.

MNR DEETLEFS: Ekskuus.

10 MR VARNEY: And furthermore Mr, Mr Theron says the implication of your statement as put to him was that Dr Aggett felt that he had betrayed individuals, including himself, Theron, and this was motive for Dr Aggett to commit suicide.

TOLK: En dit sê dan ook dat, in daardie nota sê dan ook dat Dr Aggett sê dat hy die anders verraai het en dit is die rede waarom hy dan moord gepleeg, selfmoord gepleeg het.

MR VARNEY: And then... That is not a question. I am just informing you what is in the statement. So according to Mr Theron's affidavit, he concedes that he had certain links with
20 the ANC as well as South African Congress of Trade Unions, SACTU. But then he says however, I would never have, and did not in fact informed Neil of these links nor were these links known about in the trade union.

INTERPRETER: No...?

MR VARNEY: Nor were these links know about in the trade

union. There was therefore no disclosure Neil could have made about me that could have occasioned a sense of betrayal or guilt.

MNR DEETLEFS: Goed, kan ek nou antwoord, Here?

MR VARNEY: Please.

INTERPRETER: Can I answer to that now, My Lord?

MNR DEETLEFS: U Edele, eerstens het ek geensins daardie verklaring gesien...

TOLK: U sê u het dit geensin gesien nie? U het die glad nie
10 gesien nie.

MR DEETLEFS: Glad nog nooit nie en... [Tussenbei]

INTERPRETER: My Lord, I have never seen the, those statements.

MNR DEETLEFS: En dan het die advokaat iets genoem wat ek nie duidelik oor het nie maar... [Tussenbei]

INTERPRETER: And also Counsel mentioned something which is not clear to me.

MNR DEETLEFS: Maar soos ek kon verstaan... [tussenbei]

INTERPRETER: But the way I understand it...

20 MNR DEETLEFS: ...dat as ek reg onthou, 'n Jan Theron sou in sy verklaring gesê het...

INTERPRETER: If my memory serves me correct, My Lord, that Jan Theron would have mentioned or would have said in his statement...

MR DEETLEFS: Dat die feit dat Dr Neil Aggett gesê het hy

weet nie hoe hy daarmee gaan saamleef nie... [Tussenbei]

INTERPRETER: The fact that what Dr Aggett said, that he does not know how he is going to live with this...

MNR DEETLEFS: Weens die feit dat hy sy beste vriend verraai het...

INTERPRETER: And the fact that he had betrayed his best friend.

MNR DEETLEFS: En dat, ek dink, mnr Jan Theron, die afleiding gemaak het...

10 INTERPRETER: And Mr, I think, My Lord, that Jan, Jan, Mr Jan Theron assumed or made out to...

MNR DEETLEFS: Ja, dat dit wat Dr Aggett gesê het moontlik aanleiding kon gee het tot sy selfmoord.

INTERPRETER: That whatever Dr Aggett said, could have been possibly the reason why committed suicide, My Lord.

MNR DEETLEFS: En kan ek net ten laaste byvoeg daar, U Edele?

INTERPRETER: Can I just add something, My Lord?

MNR DEETLEFS: Ek kan nie verstaan hoe kon oorlede dr Neil
20 Aggett vir my dit gesê het wat hy gesê het rondom Jan Theron...

INTERPRETER: My Lord, I do not understand why Dr, the late Dr Aggett told me what he had told me or informed me, what about Jan Theron...

MNR DEETLEFS: En waar, waar sal hy daardie inligting

bekom het...

INTERPRETER: And where he came to such information or where he got such information, My Lord. I am sorry.

MNR DEETLEFS: En nou as ek mag sê, en ek weet nie of dit, of dit reg is om dit te sê nie maar...

INTERPRETER: If I might mention, or if I might say and, My Lord, I do not know if it is appropriate for me to say...

MNR DEETLEFS: Dan klink daardie verklaring van Jan Theron...

10 INTERPRETER: Then the statement of Jan Theron sounds...

MNR DEETLEFS: Of dit 'n, 'n leuenagtige getuie, verklaring kon gewees het.

INTERPRETER: And then it sounds to me that the statement of Jan Theron, it sounds like a false or a lie.

MNR DEETLEFS: Met, ten opsigte van sekere feite wat hy vermeld het.

INTERPRETER: According to some of the facts that he mentioned.

20 MR VARNEY: My Lord, I see it is 11:15, it is [indistinct – 11:08] appropriate for the tea adjournment.

COURT: Thank you. The Court adjourns for tea.

COURT ADJOURNS [11:08] ~ ~ ~ [00:00] COURT RESUMES

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COURT RESUMES [11:29:06]

MR VARNEY: ... hand up documents that already are exhibits which I may make reference to.

COURT: Okay.

MR VARNEY: So M'Lord, I am handing up EXHIBITS B8.73 and 74.

COURT: It is B ...[intervenes]

MR VARNEY: And that will be the signed and unsigned statements made by Neil Aggett which were put up in the first
10 inquest.

COURT: Okay.

MR VARNEY: Did, did the witness get a copy as well? I think, I think you have had, had two of those, that can go to the witness.

COURT: Oh, this, 73 and 74, ja.

MR VARNEY: And M'Lord, we also may make reference to a statement that is part of the witness' police file, it is already an exhibit, it is part of FGK13.6

NICOLAS JOHANNES DEETLEFS: (steeds onder eed)

20 EXAMINATION BY MR VARNEY (CONTINUES): Mr Deetlefs, there is no need to look at them now, if we make reference to them.

TOLK: Mnr Deetlefs, moet nie nou na dit kyk nie.

MNR DEETLEFS: O!

TOLK: U sal gesê word wanneer om na dit te kyk.

MR VARNEY: And we will only refer to specific paragraphs and we will, we will let you know which ones they are.

TOLK: En ons gaan net na spesifieke paragrawe toe gaan en ons sal u laat weet as ons, as die tyd reg is.

MNR DEETLEFS: Dit is korrek, u edele.

MR VARNEY: So Mr Deetlefs before proceeding, just to clear up a misapprehension that maybe some of us were labouring under. Can you translate?

INTERPRETER: Okay, just that, can you please?

10 MR VARNEY: Before we proceed.

TOLK: Voor ons voortgaan.

MR VARNEY: To clear up a misapprehension that we might have been labouring under.

TOLK: O, voor ons nou voortaan net 'n paar van die goete wat vermis is wat, voor ons nou, wat daar ...(tussenbei)

MR VARNEY: No, no, do not look at the paperwork, just translate what I am saying. I am not asking him to look at the paper, I am simply saying I want to clear up a misapprehension.

20 TOLK: Daar is net 'n paar goed wat opgeklaar moet word.

MR VARNEY: So you appear to have made the assumption that the South African Congress of Trade Union, SACTU was a banned organisation

TOLK: En u het ook gesê dat die SACTU was 'n verbode organisasie.

MNR DEETLEFS: Ja u edele, is my kennis, ja, volgens my kennis sou ek gedink het dit is 'n verbode organisasie gewees.

INTERPRETER: Yes, M'Lord according to my knowledge I, I knew that it was a banned organisation.

MR VARNEY: So in, in fact, Mr Deetlefs it was not a banned organisation.

TOLK: Dit was eintlik nie 'n verbode organisasie nie.

MNR DEETLEFS: Ek verstaan, u edele.

INTERPRETER: I do understand, M'Lord.

10 MR VARNEY: However, there was a promulgation made in December 1962.

TOLK: Maar daar was 'n, wat is die promulgation?

HOF: 'n Proklamasie.

TOLK: Daar is 'n promulgasie gemaak in die jaar 1962.

MR VARNEY: Which listed 36 organisations of which SACTU was one.

TOLK: Waar 36 organisasies gelys was waarvan SACTU een van dit was.

20 MR VARNEY: And the proclamation said that 432 individuals were banned from holding office in those organisations.

TOLK: En dit was ook gesê dat 432 mense.

MR VARNEY: Persons mentioned.

TOLK: Mense wat ook verbode was daarin.

MR VARNEY: So in other words, Mr Deetlefs the organisation itself was never illegal, it is just that those listed individuals

were not allowed to hold office.

TOLK: In ander woorde hierdie organisasies was nie, was nie onwettig nie, dit was net daardie mense wat verbode was.

MR VARNEY: From holding office in the listed organisations.

TOLK: Om 'n kantoor te hou in hierdie gelyste organisasies.

MNR DEETLEFS: Ek verstaan.

INTERPRETER: I hear.

MR VARNEY: So I am putting it to you that simply being a member of the, of SACTU itself was not an offence unless you
10 were one of the listed individuals.

TOLK: Ek stel dit aan u dat om 'n eenheid van die SACTU, om, om 'n lid van SACTU is was nie verbode nie, maar net of, net vir mense wat verbode was, maar dit ...(tussenbei)

HOF: Wat verbied was om offisiere te word.

TOLK: Net sekere van mense was verbied om, om kantoor te hou of offisiere te word van, van SACTU.

COURT: Ja, to be elected.

TOLK: Verstaan u dit?

MNR DEETLEFS: Ek verstaan, u edele.

20 INTERPRETER: I do understand that, M'Lord.

MR VARNEY: In your discussion that you had with Adv Turi Pretorius.

TOLK: In die gesprek wat u gehad het Adv Turi Pretorius, wat u nou saam met Adv Pretorius gehad het.

MR VARNEY: Was Captain Ben Nel present?

TOLK: Was Kaptein Ben Nel daar?

MNR DEETLEFS: Glad nie, u edele.

INTERPRETER: Not at all, M'Lord.

MR VARNEY: Now you mentioned that Dr Neil Aggett in your interrogation made certain disclosure which you set out in summary form in your affidavit.

TOLK: U het ook genoem dat in die interrogasie tussen u, van dr Neil Aggett, het dr Neil Aggett sekere goed gepraat en wat u dan genoem het in 'n sekere verklaring wat u afgelê het.

10 MNR DEETLEFS: Dit is korrek, u edele.

INTERPRETER: That is correct, M'Lord.

MR VARNEY: So I assume that you must have been aware that Dr Aggett in fact made a signed statement in January of 1982.

TOLK: Ek neem dan ook aan dat dr Neil Aggett het 'n getekende verklaring afgelê in die jaar 1982.

MR VARNEY: January 1982.

COURT: January 1982.

TOLK: In Januarie 1982.

20 MNR DEETLEFS: Dit mag so wees, u edele.

INTERPRETER: It could be, M'Lord.

MR VARNEY: And I assume that you are also aware that in that signed statement Mr Aggett or rather Dr Aggett did not implicate anybody in particular and did not disclose any criminal conduct.

TOLK: En ek neem dan ook aan dat in daardie verklaring wat dr Neil Aggett afgelê het, het hy nie enige persoon se naam genoem nie en hy het ook nie gepraat van enige misdryf nie.

MNR DEETLEFS: Ja, u edele, maar wil ek net bysê tensy dr Neil Aggett, met respek gesê, op daardie stadium nie die waarheid gepraat het nie.

HOF: Het nie die waarheid gepraat?

TOLK: U sê het nie die waarheid gepraat nie?

MNR DEETLEFS: Ek weet nie, hy het dalk nie die waarheid
10 gepraat nie.

INTERPRETER: M'Lord, I also just want to mention that at that time even though that ... u ê alhoewel u die respek vir hom gehad het, even though I had the respect for him, M'Lord, he could have not told the truth ...,of u sê hy kon dalk nie die waarheid gepraat het nie, né?

COURT: So he could have or he did not? He could have not told the truth?

INTERPRETER: He could have not told the truth, hy kon dalk nie.

20 MNR DEETLEFS: Ag u edele, as ek net kan vra teenoor wie het hy die verklaring gemaak as ek mag weet?

INTERPRETER: M'Lord, if I may ask against whom did he make statement?

MR VARNEY: Mr Deetlefs, I am simply putting it to you that in the January 1982 statement he did not implicate anybody in

any unlawful conduct and you seem to have accepted that that was the case, but you say he did not tell the truth.

TOLK: Ek stel dit aan u dat in Januarie 1982 dat dr Neil Aggett se verklaring het hy niemand, niemand genoem nie en hy het ook nie gepraat van enige onwettige misdryf nie en u sê hy kon, hy kon dalk nie die waarheid gepraat het.

MR VARNEY: The translation is not entirely correct. It is not that he did not name anybody in the statement, because there are names in the statement, it is just that he did not implicate

10 ...[intervenies]

COURT: Implicate, ja.

MR VARNEY: Anybody in any crimes.

TOLK: Wat die advokaat eintlik sê hy sê dat dr Neil Aggett het nie van enige persoon gepraat wat enige misdaad gedoen het nie op daardie stadium.

MNR DEETLEFS: U edele ...(tussenbei)

HOF: En u sê dat hy het gelieg.

TOLK: En u sê hy het gelieg.

MNR DEETLEFS: Edelaagbare ...(tussenbei)

20 HOF: Of hy kon gelieg het.

MNR DEETLEFS: Ek sou sê die kans dat hy nie die waarheid gepraat het daar bestaan 'n groot moontlikheid.

INTERPRETER: M'Lord, I can say ...[intervenies]

MNR DEETLEFS: En ek weet nog steeds nie teenoor wie het hy die verklaring gemaak nie.

INTERPRETER: M'Lord, what I can say the chances of him not telling the truth is very high, M'Lord and still I do not know against whom he made the statement.

MNR DEETLEFS: Dit is korrek, u edele.

MR VARNEY: Now Mr Deetlefs, you are aware, of course, that there is another statement allegedly made by Dr Aggett.

TOLK: Mnr Deetlefs, u weet van nog 'n verklaring of 'n ander verklaring wat dr Aggett afgelê het.

MNR DEETLEFS: Ek dra nie kennis van so 'n verklaring nie,
10 behalwe die ene wat hy teenoor my afgelê het, u edele.

INTERPRETER: M'Lord, I bear no knowledge of any such statement, except the one he made with me.

MR VARNEY: Yes indeed, so that, that I believe is the one we are referring to now. M'Lord, that is the typed statement that is in EXHIBIT B8.74.

COURT: Ja.

MR VARNEY: Am I correct in saying that the statement he made to you was an unsigned statement?

TOLK: Is ek korrek as ek sê dat die verklaring wat hy afgelê
20 het by u is 'n verklaring wat nie geteken is nie?

MNR DEETLEFS: Dit is korrek, u edele en dit was handgeskrewe.

INTERPRETER: That is correct, M'Lord and it was also handwritten.

MR VARNEY: Now I see that this statement is some 26

paragraphs long, so quite detailed.

TOLK: Ek sien dat hierdie verklaring is 26 paragrawe lank, dit is wel 'n lang verklaring.

MNR DEETLEFS: U edele, dan wil ek net noem dat daardie verklaring waarna die advokaat nou verwys is nie die een wat hy teenoor my gemaak het nie.

INTERPRETER: M'Lord, then I just want to mention then that that statement that counsel has just, that counsel is talking about is not the one that he made in my presence.

10 MR VARNEY: Okay, can you take a look, Mr Deetlefs?

TOLK: Kan u kyk, mnr Deetlefs?

MR VARNEY: At the statement that is titled B8.74, that is before you, it is a typed statement.

TOLK: Kan u kyk na die verklaring wat gemerk is B8.74, dit is 'n getikte verklaring.

MNR DEETLEFS: Ek het die verklaring, u edele.

INTERPRETER: M'Lord, I do have the statement.

MR VARNEY: And the first paragraph reads:

20 "I support the Marxist ideology and therefore I am a communist"

TOLK: En die eerste wat geskryf is daar is soos dit hierso staan.

MNR DEETLEFS: Ja, ek sien dit, u edele.

INTERPRETER: Yes.

TOLK: En dit mag hy gesê het, ek, ek kan nie daarvoor

instaan nie.

INTERPRETER: M'Lord, I see it and he could have said that, but I cannot, u sê u ontken dit nie?

MNR DEETLEFS: Nee, ek kan nie, ek kan, om eerlik te wees ek kan nie daarop kommentaar lewer nie, want ek, ek weet nie, ek ken nie hierdie verklaring nie.

TOLK: U ken nie. M'Lord, I see it, but I cannot comment on this statement, because I do not know this statement.

MR VARNEY: So the evidence led in the first inquest is that
10 this is the typed version of a handwritten statement which we believe was given to you.

TOLK: Die getuienis wat afgelê is dat die is die getikte verklaring wat getik was van 'n handgeskryfde verklaring af.

MR VARNEY: And shortly we will, we will find the handwritten version and let you have a look at that.

TOLK: En ons sal kortliks die handgeskrywe verklaring kry en dan sal u na dit kyk.

MNR DEETLEFS: Uhh ...(tussenbei)

MR COETZEE: M'Lord, I do not want to object here, but I just
20 think for clarity sake it is necessary to take in, to mind that Lieutenant Whitehead in his statement said that, that, the statement was written and rewritten and, and extended and extended through the 1st, 2nd, 3rd and 4th of February in his presence. So the, the ...[intervenes]

COURT: Who said that, Whitehead?

MR COETZEE: Lieutenant Whitehead in his statement which is also in the bundle, he indicated that the statement was on the 1st, 2nd, 3rd and 4th it was added onto every time that Dr Neil Aggett added to the statement, so it is not, it is not correct to say that it is the, the statement that came from ..., I am not, I do not say that that is what my learned friend is putting, but I think it is just correct to have that context that in terms of that evidence the original statement was added on to the presence and through the intervention of Lieutenant Whitehead.

10 COURT: But it was, it was handwritten and then later reduced into typed?

MR COETZEE: Yes, it was added onto and then it was typed.

COURT: Okay.

MR VARNEY: M'Lord, with, with respect to my learned friend, it really is for this witness to confirm or deny whether the statement in question was taken in his presence or only partially in his presence and M'Lord, with ...[intervenes]

COURT: Ja, let ...[intervenes]

20 MR VARNEY: With the legal ...[indistinct]

COURT: The witness says he, when he consulted with him on the 30th.

MR VARNEY: Correct.

COURT: Now counsel says that this statement was written over, over three days, then is that the same statement? I am

just trying to find out?

MR VARNEY: Well that, M'Lord, that is for the witness to ...[intervenes]

COURT: Okay.

MR VARNEY: To confirm.

COURT: Ja.

MNR DEETLEFS: Kan ek maar confirm, u edele?

MR VARNEY: No, just wait.

COURT: Wait, wait for us.

10 MR VARNEY: Wait a moment.

TOLK: Nee, wag.

MR VARNEY: M'Lord, with the leave of the court I would like to hand up copies of already exhibits before Your Lordship, it is the handwritten statement in the first inquest, it was EXHIBIT C3.9.2.

COURT: C.9.2?

MR VARNEY: And it, it is headed Statement 2.

COURT: Statement number 2.

20 MR VARNEY: And M'Lord, this is the handwritten version of what was put up in the first inquest and already, M'Lord you have the typed version as B8.74.

COURT: Hmm, yes.

MR VARNEY: So Mr Deetlefs, perhaps just take a look at the front page and I will give you a minute to do so.

TOLK: Mnr Deetlefs, die wat nou gehandig is na u is die

geskryf, die handgeskryfde een en die, die een wat gemerk is B8.74 is die getikte een. Nou sê die advokaat hy gaan u 'n kans gee, luister meneer, hy gaan u 'n kans gee om asseblief deur die eerste blaaï, 'n minuut kans gee om deur die eerste blaaï te gaan.

MNR DEETLEFS: U edele, ek wil net noem.

INTERPRETER: M'Lord, I just want to mention.

MNR DEETLEFS: My oë is baie verswak, ek moet nou eersdaags gaan na 'n spesialis toe weens die feit dat my oë
10 weens die suikersiekte so verswak het binne drie tot ses maande dat ek kwalik kan sien, ek, ek kan nie eers behoorlik op 'n distansie sien nie en ook nie, nou as ek hierdie ding in 'n minuut moet lees dan, dan dink ek kan ons dit liewerster oorlaat na so 'n halfuur toe.

INTERPRETER: M'Lord, I want to mention to this court that my eye sight is so bad I am, I am seeing a specialist and I will not, u sê u sal dit nie in 'n minuut kan sien nie? And the witness also mentioned that because of I am diabetic, M'Lord and it has deteriorated from in the past three to six months, sê
20 u.

MNR DEETLEFS: Ja, dit is so.

INTERPRETER: And for him he will not be able to go through this first page in a minute, but at least 30 minutes, het u gesê.

MNR DEETLEFS: Min of meer in daardie omgewing.

INTERPRETER: Approximately almost 30 minutes.

MR VARNEY: Mr Deetlefs, we are not going to ask you to read the whole paper or to take up 30 minutes of our time, so do not concern yourself with that.

TOLK: Hulle sê dan hulle gaan nie maak dat u die hele verklaring lees nie en hulle gaan ook nie tyd inneem van, u tyd neem vir 30 minute, u moet net rustig wees.

MNR DEETLEFS: U edele, kan ek net vra.

INTERPRETER: M'Lord, can I just ask.

COURT: Ja.

10 MNR DEETLEFS: Ek het hier 'n geskrewe verklaring gemerk C3.9.2.

INTERPRETER: This written statement, M'Lord which is marked C3.9.2.

COURT: Where is 3.9.2 here?

MNR DEETLEFS: Ja, u edele ...(tussenbei)

INTERPRETER: Yes, M'Lord.

COURT: Where is statement C. ...[intervenes]

MR VARNEY: M'Lord, there is a chance that on your version it might not be there. It is not clear to me why on some copies
20 it appears at the top and on other copies it does not.

COURT: Which one is he looking at, the handwritten one?

INTERPRETER: The handwritten one, M'Lord.

COURT: Written statement 2, S2?

MR VARNEY: Statement 2, correct, M'Lord.

COURT: Ja.

INTERPRETER: Correct M'Lord, there is S2 on the top as well as C3.9.2.

COURT: Can I just find out from Mr Deetlefs, did you attend the first inquest?

TOLK: Was u by die ...(tussenbei)

MNR DEETLEFS: Ja.

TOLK: Eerste inquest? Yes, M'Lord.

MNR DEETLEFS: Dit is korrek, u edele.

COURT: And were you there when the evidence leader
10 handed in these two, this statement, these, these two
statements?

TOLK: Was u ...(tussenbei)

MNR DEETLEFS: Glad nie, u edele.

TOLK: Daar wat hierdie twee verklarings ingehandig was?

MNR DEETLEFS: Glad nie, u edele.

INTERPRETER: Not at all, M'Lord.

COURT: Do you have any reason to doubt that they are the
evidence leader of the police or the, the prosecution could
have handed up wrong statements to the court at that time?

20 TOLK: Het u, het u enige rede dat die bewysstukke wat na
die hof gegee was, vir die hof gegee was deur die polisie of
die aanklaer, kon verkeerde bewysstukke was?

MNR DEETLEFS: Afgesien van die feit, u edele dat dit
verkeerde dokumente kon gewees het, kon dit ook aangepaste
dokumente gewees het.

INTERPRETER: M'Lord, ...[indistinct]

MNR DEETLEFS: Tensy die datum onderaan verskyn en daar moontlik 'n handtekening is vir oorlede dr Neil Aggett.

TOLK: M'Lord, kan ons hom net oorgaan en stuk vir stuk vir die hof verduidelik, want as u 'n lang sin gee dan verloor ek.

COURT: You said unless what?

INTERPRETER: Unless, ja, kom begin, kom ons begin weer oor, tensy?

MNR DEETLEFS: Ja, u edele, as hierdie verklaring waarvan
10 ek natuurlik nou niks kennis dra nie, aan die hof sou, verkeerdelik sou voorgelê gewees het.

INTERPRETER: M'Lord, ...[intervenies]

MNR DEETLEFS: Of nie voorgelê gewees het nie.

INTERPRETER: If these documents, M'Lord were shown by this court or handed up by this court wrongly or not wrongly, M'Lord.

MNR DEETLEFS: U edele, dan kon dit onder dwang van enige ander vorm van Lieutenant Whitehead of wie ook al, 'n aangepaste verklaring gewees het wat volgens my dan baie
20 moontlik kan neerkom op, op nie die korrekte inhoud nie.

TOLK: U sê dan ...(tussenbei)

COURT: Ja sorry, it has convoluted us, I do not understand what you mean.

INTERPRETER: Myself, M'Lord.

COURT: All I want to ask, do you have any reason to doubt

that the police could have handed wrong statements that were never made by Neil Aggett to the court, do you have any reason to doubt that?

INTERPRETER: Uhmm ...[intervenies]

COURT: Because these statements were in the hands of the security police?

MNR DEETLEFS: Ja.

TOLK: Die hof sê hierdie verklaring was met die sekuriteit offisiere, die hof wil weet het u enige rede om te twyfel dat die
10 verklarings wat ingehandig was by die, vanaf, wat ingehandig was van die polisie af kon verkeerde verklarings gewees het?

HOF: Ja.

MNR DEETLEFS: Ja, ek, ek kan dit sê, u edele, omrede ek die dokumente nie ken nie en nie bewus is dat dra van die dokumente nie.

INTERPRETER: Okay.

MNR DEETLEFS: En kon verkeerde dokumente ingehandig gewees het.

INTERPRETER: Yes M'Lord, I can say that, M'Lord, the
20 reason why is because I do not know these documents and I do not have any knowledge about these documents, so it could have, it could happen that wrong information was given, handed up to court.

MNR DEETLEFS: Dit is korrek, u edele.

COURT: You may proceed.

MR VARNEY: As the court pleases. In the statement that has been filed before this court, your affidavit, your paragraph 9.

TOLK: Die verklaring wat opgehandig is.

MR VARNEY: You state:

"After the statement was completed I was satisfied that the information I obtained would be of value to Lieutenant Whitehead"

Can you translate, interpreter?

TOLK: Meneer?

10 INTERPRETER: Can you translate, please?

COURT: Translate?

INTERPRETER: M'Lord, could I please approach the bench?

COURT: Yes. If you do not, if you could state the questions, please slowly and so that can give them time, it is a bit, it is getting too hot for her now, she is ...[intervenes]

INTERPRETER: And stop screaming at me.

COURT: She say that she is not being, it looks like she is not being treated well. I have just asked her to, to please bear with us, we are at a very crucial stage of this hearing, that
20 ...[intervenes]

MR VARNEY: Ms Interpreter, I do apologise if, if you ...[indistinct] that, that I am raising my voice, I assure you I am not raising my voice at you.

INTERPRETER: We can proceed, let us proceed.

MR VARNEY: If anything I am raising my voice at another

party.

COURT: Okay.

MR COETZEE: M'Lord, may I just say I think Mr Varney should also then not raise his voice to the, to the witness.

COURT: Alright.

MR COETZEE: Mr Varney says he is not raising his voice towards the interpreter, he is clearly raising his voice then towards Mr Deetlefs.

MNR DEETLEFS: Dit is reg.

10 COURT: Okay.

MR COETZEE: And then he should also refrain from doing that.

COURT: Okay, thank you point taken. I think what the, what counsel has read was paragraph 9 of Mr Deetlefs' statement which is the English version.

INTERPRETER: Yes, M'Lord.

COURT: So all he wants is for you to interpret to Mr Deetlefs that paragraph 9, you could, you could as well just go to paragraph 9 ...[intervenes]

20 INTERPRETER: Yes, M'Lord.

COURT: Of the Afrikaans version and just read it as it is.

TOLK:

"Nadat die verklaring voltooi was, was ek tevrede dat ek inligting bekom het wat vir Lieutenant Whitehead van waarde sou wees."

The whole paragraph?

MR VARNEY: No, just that.

COURT: No.

INTERPRETER: Oh, just that, thank you.

MR VARNEY: So, so Mr Deetlefs, what statement are you referring to?

TOLK: Nou mnr Deetlefs, na watter verklaring verwys u na?

MNR DEETLEFS: U edele, ek kan slegs verwys na die verklaring wat oorlede dr Neil Aggett aan my gemaak het.

10 INTERPRETER: M'Lord, I can simply refer to the statement which Dr Neil Aggett made in front of me.

MNR DEETLEFS: En dit was op die, die aand van die 6de, ag nee, ekskuus nou, ek het my datums nou nie mooi nie, ek dink dit was die, ja, die 30ste Januarie 1982 wat 'n geskrewe verklaring was.

INTERPRETER: M'Lord, I think it was on the 30th of January 1982. Ja?

MR VARNEY: And Mr Deetlefs, can you confirm that that statement is not statement 2 which is, has the exhibit number
20 C3.9.2, in other words the long handwritten statement of 26 paragraphs?

TOLK: Kan u dan erken dat dit is nie die verklaring wat nou hier, handgeskrewe verklaring wat nommer, gemerk is nommer C3.9.2 is nie?

MNR DEETLEFS: Dit is, dit is ...(tussenbei)

TOLK: Wat so lank is.

MNR DEETLEFS: Dit is beslis nie hy nie, edelagbare.

INTERPRETER: It is definitely not it, M'Lord.

MR VARNEY: So, what happened to the statement that you completed and handed over to Lieutenant Whitehead?

TOLK: Nou wat het geword van die verklaring wat u nou afgeneem het wat gegee was vir Lieutenant Whitehead?

MNR DEETLEFS: U edele, dit sal vreeslik handig tot die hof gewees het, maar ...,

10 INTERPRETER: M'Lord, that would have been brought to the attention of the court, but ...,

MNR DEETLEFS: Maar ek was nie die ondersoekbeampte nie en ek weet nie wat hy met niks gedoen het nie.

TOLK: En u weet nie wat hy met dit gedoen het nie?

MNR DEETLEFS: Met enigsins met iets gedoen het wat daar plaasgevind het nie.

TOLK: U sê u was nie die ondersoekbeampte nie?

MNR DEETLEFS: Nee, glad nie.

20 INTERPRETER: But I was not the investigating officer and ...,
en u sê u weet nie wat met dit gebeur het nie?

MNR DEETLEFS: Nee, presies.

INTERPRETER: And I do not know what happened to it.

MNR DEETLEFS: Ek het dit vir Lieutenant Whitehead gegee, u edele.

INTERPRETER: M'Lord, I did hand it over or give, gave it to

Lieutenant Whitehead.

MNR DEETLEFS: Sowel as my notas wat ek bygehou het tydens sy ondervraging.

INTERPRETER: And as well with my notes, M'Lord that I was having during the interrogation.

MR VARNEY: Do you recall whether the statement you took from Dr Aggett was signed or unsigned?

TOLK: Kan u onthou of die verklaring wat u afgeneem het van dr Aggett af, of dit geteken was of dit nie geteken was nie?

10 MNR DEETLEFS: Uhh, as my geheue korrek is, u edele, het hy of was hy nie geteken deur dr Aggett nie.

INTERPRETER: If my memory serves me correct, M'Lord it was not signed by Dr Aggett, Neil Aggett.

MR VARNEY: Do, do you recall approximately how long that statement was?

TOLK: Kan u onthou hoe lank, omtrent hoe lank daardie verklaring was?

20 MNR DEETLEFS: Uhh, daar is verwysings, u edele dat die verklaring, maar dit is nie deur my nie, dit is verwys deur ander persone, ek dink dit is Lieutenant Whitehead.

TOLK: Okay wag, stop net daar. M'Lord, there is reference, not by me, but I think it was through Lieutenant Whitehead.

MNR DEETLEFS: Maar soos ek voorheen ook getuig het die verklaring, u edele, kon net sowel selfs 7 bladsye, 8 bladsye, enige hoeveelheid, maar ek glo nie 'n groot hoeveelheid nie.

INTERPRETER: M'Lord, and if my memory serves me correct or if I recall that statement could have taken 7 or 8 pages, but not a, a, not more than that.

MR VARNEY: And Mr Deetlefs, an unsigned statement of what, of what value is an unsigned statement? Hoe, how can you use it?

TOLK: Meneer, mnr Deetlefs, 'n ongetekende verklaring wat is die waarde van so 'n verklaring?

COURT: How can you use it? Hoe kan jy dit gebruik?

10 TOLK: Hoe kan, hoe kan jy so 'n verklaring gebruik?

MNR DEETLEFS: Uhh, jy kan dit nie in 'n hof gebruik.

TOLK: Kom ons stop net daar. M'Lord, you cannot use it in a court.

MNR DEETLEFS: As getuienis teen 'n ..., in hierdie geval dan dr Neil Aggett nie, maar

INTERPRETER: You cannot use it as, as evidence like in this, in this instance, you cannot use it as evidence against Dr Neil Aggett, but ...,

20 MNR DEETLEFS: Maar kon dit gebruik gewees het vir die ondersoekbeampte.

INTERPRETER: But it can be used by the investigating officer.

MNR DEETLEFS: Om te sien of daar enige leemtes is wat hy op een of ander wyse wil opklaar.

INTERPRETER: To see if there is any leads that he wants to

follow.

MNR DEETLEFS: Dit is korrek, u edele.

INTERPRETER: That is correct, M'Lord.

MR VARNEY: So for example, Mr Deetlefs if, if names were mentioned in the, in the affidavit if they were implicated in anything unlawful the information could be used to carry out further arrests.

TOLK: Nou in ander woorde as daar enige name genoem was wat onwettige bedrywing gedoen was, enige onwettige
10 bedrywing, kan daardie verklaring gebruik gemaak, kon daardie verklaring gebruik word om verdere arrestasie uit te voer?

MNR DEETLEFS: Uhh, u edele ja.

INTERPRETER: M'Lord, yes.

MNR DEETLEFS: Want dit het dieselfde, min of meer dieselfde waarde as wat my inligtingsnotas was wat ek bygehou het.

INTERPRETER: M'Lord, it has approximately the same with, M'Lord ...[intervenes]

20 COURT: My notes.

INTERPRETER: Of my notes that I took down.

MNR DEETLEFS: Maar dit kon aanvullend gewees het tot inligting waaroor Lieutenant Whitehead nie beskik het op daardie stadiumnie.

TOLK: Kan ons dit asseblief net herhaal en net vir my

makliker te stel.

HOF: Aanvullend.

MNR DEETLEFS: Ekskuus, maar dit kon deur Lieutenant Whitehead gebruik gewees het.

TOLK: Okay, stop net daar. But M'Lord, it could have been utilised or used, M'Lord by Lieutenant Whitehead. Ja?

MNR DEETLEFS: As inligting wat nie tot sy beskikking was nie.

INTERPRETER: As information that was not given to him or
10 that he did not have, M'Lord.

MNR DEETLEFS: Want hy het, u edele hy het baie duidelik gesê hy het nie verniet daar opgespring nie, hy het gesê ... (tussenbei)

TOLK: Hy het nie verniet daar opgespring nie?

MNR DEETLEFS: Ja, by die tafel nie.

INTERPRETER: Because M'Lord, he made it clear that he did not jump up from the table for nothing.

MNR DEETLEFS: And weens ons goeie verhouding glo ek het dit bygedra dat hy toe gesê het nou wil ek die waarheid praat.

20 INTERPRETER: And because of our good relationship that we had, M'Lord I would say that is when he then said I want to tell the truth now.

MR VARNEY: So Mr Deetlefs, we have struggled to discern what information it was that Dr Aggett disclosed.

TOLK: Dit was vir ons swaar om te kry watter informasie dr

Neil Aggett gegee het.

MR VARNEY: That would have caused him such consternation, you know, betraying his friends, that this may very well have let him to commit suicide.

TOLK: Wat nou gelaat het dat hy nou sy vriende ... (tussenbei)

MNR DEETLEFS: Verraai het.

TOLK: Verraai het wat toe verder gemaak ook het dat hy selfmoord gepleeg het.

10 MNR DEETLEFS: Selfmoord.

TOLK: Selfmoord.

MR VARNEY: So to, to assist you, as I have mentioned we have been through the first signed statement.

TOLK: Nou om u te help ons het nou deur die eerste, you said the first signed statement?

MR VARNEY: The first signed statement.

TOLK: Ons het nou tot by die eerste getekende verklaring gekom.

20 MR VARNEY: And I am sure your legal representatives will contradict me if I am wrong, but there is nothing in, in that statement that Dr Aggett says that implicates anybody.

TOLK: But, maar (sorry, M'Lord), maar daar is niks wat dr Neil Aggett gesê het in daardie verklaring wat enige persoon geimpliseer het en ek sê dit ook in korreksie en as dit verkeerd is sal u regsverteenwoordiger my regstel.

MNR DEETLEFS: Goed, u edele ...(tussenbei)

MR VARNEY: And, sorry sir, but the question is still coming.

TOLK: Die vraag kom nog, dit is nog nie die vraag nie.

MR VARNEY: I need to put to you, to be fair to you.

TOLK: Ek moet vir u dit stel om nou net fair met u te wees.

MR VARNEY: Maar I am aware, Mr Deetlefs that you deny that you were involved in the taking of the, the long statement.

TOLK: Dit is bekend aan my dat u ontken dat u hierdie lang verklaring afgeneem het.

10 MNR DEETLEFS: Dit is korrek, u edele.

INTERPRETER: It is correct, M'Lord.

MR VARNEY: And we have studied the long unsigned statement to see whether there was anything, you know potentially damaging or explosive in there.

TOLK: En ons het nou hierdie lang verklaring gestudeer om te kyk of daar enigiets is wat miskien kan ontplof of iets is wat miskien skrik kan maak.

MNR DEETLEFS: Uhh ...(tussenbei)

TOLK: Wag, wag.

20 MR VARNEY: And the, and the high water mark appears to be paragraph 22 of that statement.

TOLK: En iets wat nou, hoe lank ek dit stel, meneer, iets?

COURT: The high water mark, die hoogpunt.

TOLK: Die hoogpunt kan ek vir u noem is wat ons gekry het op paragraaf.

MNR DEETLEFS: 23.

INTERPRETER: Paragraph?

MR VARNEY: Paragraph 22.

TOLK: In paragraaf 22.

MR VARNEY: And perhaps just to save you time I, I will read it to you.

TOLK: En om tyd te spaar ken ek dit lees vir u?

MR VARNEY:

"When Oscar Mpetha came up to Johannesburg to organise"

10 TOLK: Toe Oscar Mphetha opkom na Johannesburg toe om te organiseer.

MR VARNEY:

"we discussed about the old SACTU (before he was banned)"

TOLK: Ons het gepraat van die ou SACTU wat verbode was.

MR VARNEY:

"and it was obvious to him that I agreed to the general political direction taken by SACTU."

TOLK: En dit was sê dan ook dat ek saamgestem was dat ...[indistinct]

20 MR VARNEY:

"that I agree to the general political direction taken by SACTU."

TOLK: Dat ek saamgestel het aan die politieke kant wat vir SACTU is.

MR VARNEY:

"However he did not talk about any present SACTU activities."

TOLK: Maar hy het nie van enige duidelike aktiwiteite van SACTO gepraat nie.

MR VARNEY:

"Later, however, in, in about early 1980 he showed me briefly a sheet of paper with a list of SACTU names on it."

TOLK: Later het hy dan genoem, later in 1980 het hy my toe gewys 'n papeier van SACTU, a paper of SACTU and?

MR VARNEY: With a list of SACTU names on it.

10 TOLK: Met 'n lys van SACTU name op dit.

COURT: Sorry, you said paragraph 22, but I cannot see where you are reading.

MR VARNEY: M'Lord, I am reading off B8.74 which is the typed version ...[intervenes]

COURT: Oh sorry, sorry. I am sorry about that, I was looking at the one ...[intervenes]

MR VARNEY: Yes, it is, it is also in the handwritten version as well, but ...[intervenes]

COURT: Ja.

20 MR VARNEY: But it is easier to read there.

COURT: Okay, please proceed. Yes, I have got it now.

MR VARNEY: Right, there is also talk about forming an unemployed workers union, but I will not go into that.

TOLK: Hulle noem ook of hulle praat ook van om 'n eenheid van nie-nie-werkende eenheid te vorm, maar ek gaan nie oor

dit nou praat nie.

MR VARNEY: Aside from to say the following:

"Along with the list of names was a paper in handwriting dealing about an unemployed workers union."

TOLK: Met die lys van name was 'n papier wat handskriflik was van 'n lys van die nie-werkende unie is.

MR VARNEY:

"On the list of names were about 20 people including"

TOLK: Op die lys van name was ongeveer 20 mense en ook
10 die naam:

MR VARNEY: "Jan Theron"

TOLK: Jan Theron.

MR VARNEY: "Oret van Heerden".

TOLK: Oret van Heerden.

MR VARNEY: "And Oscar Mpetha".

TOLK: En ook Oscar Mpetha.

MR VARNEY: And then there is more discussion about setting up an unemployed workers union retirement guarantee.

TOLK: Daar is, dit word meer gepraat van die nie-werkende
20 unie of dat daar die nie-werkende unie opgestel gaan word wat ek nie veel van dit gaan praat nie of nie veel van dit gaan noem nie.

MR VARNEY: So Mr Deetlefs, we already discussed that SACTU itself was not an illegal organisation.

TOLK: Mnr Deetlefs, ons het alreeds gepraat van SACTU self

was nie 'n onwettige unie nie.

MNR DEETLEFS: Dit is korrek, u edele.

MR VARNEY: And, and in due course we will submit to the court, if we can find it, the list of individuals prohibited from being office holders in SACTU.

TOLK: En op 'n later stadium sal ons vir die hof, as dit nodig is, gee die lys van die SACTU name of SACTU offisiere wat nie of wat ver ..., wat verbind of wat nie kon kantoor van die SACTU lede.

10 MR VARNEY: But assuming, assuming for the moment that this paragraph disclose something, some illegal activity in relation to Jan Theron, Oret van Heerden and Oscar Mphetha.

TOLK: Kom ons sê maar nou net dat daar is enige onwettige wat hierdie name nou, onwettige delings wat hierdie mense doen, Jan Theron, Oret van Heerden en Oscar Mphetha.

MR VARNEY: Yes, so if it did disclose something illegal or perhaps something illegal in the 7 page or 8 page affidavit, statement you took.

20 TOLK: Kom ons sê nu maar daar was enige onwettige bedryf wat, wat in hierdie verklaring of kom ons sê wat in die verklaring was wat u nou neer geneem het wat 7 tot 8 blaaie was.

MR VARNEY: That if it was in fact that significant and important you would have expected the police to take action on it.

TOLK: En as dit nou so belangrik was sou u verwag het van die polisie af om aksie te neem.

MNR DEETLEFS: Dit is korrek, u edele.

MR VARNEY: So to the best of your knowledge do you, do you know if, if any action was taken?

TOLK: Nou kan u onthou met die beste van u denke, kan u onthou of so 'n soort of, of enige aksie geneem is?

MNR DEETLEFS: Uhh ...(tussenbei)

COURT: By the police?

10 MR VARNEY: By the police.

TOLK: Deur die polisie.

MNR DEETLEFS: Uhh, u edele, ek, ek kan my nie daaroor uitlaat nie, want ek weet nie, maar die feit.

INTERPRETER: M'Lord, I cannot comment on that one, because I do not know.

MNR DEETLEFS: Maar die feit dat daar vakbonde lede aangehou is.

INTERPRETER: But for the fact that there were union activists that was, that was in custody.

20 MNR DEETLEFS: Onder andere dr Neil Aggett.

INTERPRETER: And including Dr Neil Aggett.

MNR DEETLEFS: Dan sou ek die afleiding maak, u edele.

INTERPRETER: Then I was going to make out that.

TOLK: Dat hulle of 'n misdryf gepleeg het.

INTERPRETER: That they have committed an illegal

...[intervenes]

COURT: Committed an offence.

INTERPRETER: An illegal offence, M'Lord.

MNR DEETLEFS: Of dalk moontlik 'n beplanning gedoen het of in die proses was om onwettige bedrywighede te pleeg.

INTERPRETER: Or they could have maybe planned or dat hulle besig was.

COURT: Or in the process of planning.

INTERPRETER: Or they were in a process, M'Lord of
10 planning such unlawful activity.

MR VARNEY: Yes, Mr Deetlefs, but the question is not really in relation to the actions taken against trade union people generally, but rather whether the police acted upon the information that Dr Aggett gave.

TOLK: Nie noodwendig dat teen hierdie politieke inhegtenisse nie, maar of daar enige onwettige aktiwiteite was sou die polisie daarop, daarop gewerk het.

MNR DEETLEFS: Goed, u edele, wat gebeur daar is verskeie afdelings in die Veiligheidspolisie.

20 INTERPRETER: M'Lord, what happened there is, there is several sections or departments in the police.

MNR DEETLEFS: En hulle kon op verskeie maniere gemonitor word ten einde hulle bedrywighede na te spoor.

INTERPRETER: And they could have been monitored in different ways if there is any illegal conduct, M'Lord.

MR VARNEY: Mr Deetlefs, after you had completed your interrogation with Dr Aggett, were you satisfied that you had sufficient information to take action against Jan Theron?

TOLK: Mnr Deetlefs, toe u nou klaar was of na u klaar was met die interrogasie saam met dr Neil Aggett, was u tevrede dat u informasie daaruit gekry het van dr Neil Aggett af?

MNR DEETLEFS: Ja, ek was, u edele.

COURT: Well, to, to take action against Theron? Ja, just put it to him.

10 TOLK: Om aksie te vat of, of aksie te vat of vir Jan Theron op te spoor?

MNR DEETLEFS: Dit is korrek, u edele.

INTERPRETER: Yes, there was, M'Lord.

COURT: So you were satisfied?

TOLK: So u was tevrede?

MNR DEETLEFS: Dit is korrek, u edele.

MR VARNEY: And that is because dr Aggett had disclosed illegal activities of some sort or another carried out by Theron with SACTU?

20 TOLK: So dat daar, so u sê dat dr Neil Aggett het onwettige aktiwiteite genoem wat gedoen was deur Jan Theron by SACTU?

MNR DEETLEFS: Ja, u edele.

INTERPRETER: Yes, M'Lord.

MR VARNEY: So ...[intervenies]

MNR DEETLEFS: Daar kan ek net byvoeg, u edele.

INTERPRETER: I can also just add on that, M'Lord.

MNR DEETLEFS: Hulle het definitief en as ek sê hulle, lede van die vakbond insluitende Jan Theron.

INTERPRETER: That some of the members of ...[intervenies]

MNR DEETLEFS: Die vakbonde, unions.

INTERPRETER: Of the unions included Jan Theron.

MNR DEETLEFS: Dat hulle soos dit voorheen gestel was in 'n verklaring dat hulle beoog het om hierdie land se ekonomie te
10 saboteer en lam te lê en ek beskou dit amper as hoog verraad, ek weet nie of u daarmee sou ..., maar in elk geval dit is hoe ek dit gesien het in my, in my leke kennis daar van die Wet.

INTERPRETER: M'Lord, it was discovered that the union wanted to sabotage the economy of South Africa or to bring the economy of South Africa down en wat nog?

COURT: He regards that as the highest treason.

INTERPRETER: And it regards that as highest treason, thank you, M'Lord.

COURT: He regarded that as high treason.

20 TOLK: U het dit beskou as hoog verraad?

MNR DEETLEFS: Dit is korrek, u edele, dit, dit is hoe ek dit gesien het in my eenvoud.

INTERPRETER: M'Lord, that is correct, that is how I found it or I looked at it myself.

MR VARNEY: So sir, here is the very odd thing, Mr Deetlefs,

because given your evidence you would have expected Jan Theron to have been detained and perhaps prosecuted, but in fact he was not.

TOLK: Maar nou namens u getuienis wat u aflê u sou verwag het of dit sou verwag was dat Jan Theron ook aangehou was in hegtenis en ook aangekla was.

MR VARNEY: And in fact, Mr Theron says in paragraph 7 that he was not arrested and charged after the death of Dr Aggett.

TOLK: Wat eintlik, wat mnr Jan Theron sê in sy, in sy
10 verklaring op paragraaf 8?

MR VARNEY: 7.

TOLK: Op paragraaf 7 sê hy hy was nie aangekla nie en hy was nie in hegtenis gehou nie na dr Neil Aggett se, se dood.

MNR DEETLEFS: Goed, u edele, daar sou ek sê soos ek reeds voorheen gesê het, ons het verskeie afdelings in die, in die Veiligheidspolisie en ...(tussenbei)

TOLK: Kom ons stop net daar. M'Lord, as I have already testified all I will say we do have several different departments in the police.

20 MNR DEETLEFS: En die feit dat hy as so 'n belangrike persoon deur oorlede dr Neil Aggett uitgewys was.

INTERPRETER: And if such a, the fact that if such an important person was implicated or was pointed out by Dr Neil, ja.

MNR DEETLEFS: En sou ek sê dat ons in so 'n geval en wat

ek glo as ek daaraan gewerk het, sou ek 'n voltydse monitor op Jan Theron geplaas het.

INTERPRETER: And I would have or I would say I was going to have a full monitor on Jan Theron.

MR VARNEY: So Mr Deetlefs, do you recall whether in the statement that you took, your 7 or 8 page statement which we, we do not have and was not put up in the first inquest, whether other names were disclosed besides Theron?

10 TOLK: Mnr Deetlefs, kan u onthou in die verklaring wat u afgelê het, die verklaring wat 7 tot 8 bladsye het wat ons nou nie hier het nie, of enige ander persoon genoem was deur dr Aggett?

MNR DEETLEFS: U edele, daar kan ek antwoord ek ken Oret van Heerden baie goed.

TOLK: Van, ek het nou niks gehoor nie.

MNR DEETLEFS: Oret van Heerden ek ken hom baie goed.

INTERPRETER: M'Lord, I can say it was, u ken haar baie goed?

MNR DEETLEFS: Ek ken hom baie goed.

20 TOLK: O, hom. It was Oret van Heerden. M'Lord ...[intervenies]

COURT: Sorry ...[intervenies]

MR VARNEY: Just to be clear.

TOLK: Luister.

MR VARNEY: The question is whether, whether Aggett

disclosed other names in the statement.

TOLK: Die vraag is presies, luister mooi, of dr Aggett enige ander name bygenoem het in sy verklaring?

MNR DEETLEFS: Ja u edele, hy, hy het ander name genoem en dit is hoekom ek nou Oret van Heerden, daar is baie ander wat hy genoem het.

INTERPRETER: Yes, yes M'Lord, he did and that is the ..., he did, he named a few names and that is the reason why I mentioned Odet van Heerden and there is many more other
10 names, M'Lord.

MNR DEETLEFS: En ...(tussenbei)

COURT: Sorry, you say many more, baie ander name?

TOLK: U sê baie ander name?

MNR DEETLEFS: En ...(tussenbei)

INTERPRETER: Yes, M'Lord. (The witness is nodding his head, M'Lord.)

MNR DEETLEFS: Ekskuus, u edele en dit is hoekom die minder belangrike person miskien reeds op daardie stadium in hegtenis geneem was.

20 INTERPRETER: And that is the reason why the less important people was, hulle was ingeneem in hegtenis sê u?

MNR DEETLEFS: Dit is korrek.

INTERPRETER: That was taken into custody or detained, M'Lord.

MNR DEETLEFS: En dan, dan kan ek ook verwys daar was 'n

naam genoem Kweta or Gweta wat ek baie goed geken het.

INTERPRETER: And I can also ...[intervenes]

MNR DEETLEFS: Hy was van die Oos-Kaap dink ek.

INTERPRETER: I can also mention there was a name that, that was also mentioned, M'Lord, it is Kweta or Gweta, that was, that I also knew very well.

MNR DEETLEFS: En daar was deur die advokaat, u edele, as ek reg onthou was daar nog 'n naam genoem en ek onthou daardie naam ook, maar ek kan hom nie nou oproep nie.

10 TOLK: Okay, u sê dit is die advokaat het daardie naam genoem?

MNR DEETLEFS: Ja.

INTERPRETER: M'Lord, and counsel also named another name, M'Lord which I cannot remember that name, but that person I also knew that person very well.

MR VARNEY: Oscar Mphetha.

TOLK: Oscar Mphetha?

MNR DEETLEFS: Ja, ek ken hom ook.

INTERPRETER: Yes, I know him.

20 MNR DEETLEFS: Dit is korrek.

MR VARNEY: So let us, let us deal with Oscar Mphetha. It appears that he was not detained.

TOLK: Kom ons praat nou van Oscar of kom ons, ja, kom ons praat nou van Oscar Mphetha. Dit, dit kom voor dat hy nie, dat hy nie in gehegtenis gehou was nie.

MR VARNEY: He was not detained or charged in relation to anything dealing with information allegedly disclosed by Dr Aggett.

TOLK: Hy was nie aangehou in hegtenis nie en hy was nie aangekla nie met enige onwettige goed wat dr Neil Aggett nou genoem het in sy verklaring nie.

MR VARNEY: I can, I can put it to you that he was convicted, in 1983 he was convicted of terrorism and of inciting a riot at a squatter camp in August 1980 during which two white were
10 killed.

TOLK: En hy was in die jaar 1983 was hy gearresteer en hy was aangekla en ook in Augustus 1980 dat hy by 'n squatter camp nou 'n riot begin het waar twee blanke manne doodgemaak is.

MNR DEETLEFS: Ja.

MR VARNEY: So Mr Deetlefs, just to put you in the picture further.

TOLK: Mnr Deetlefs, ...(tussenbei)

MR VARNEY: He was sentenced to five years in prison.

20 TOLK: Net om die prentjie verder te teken vir u, hy was toe in hegtenis en hy toe gevonniss vir vyf jaar in hegtenis.

MR VARNEY: He appealed, but lost the appeal and was released in 1989.

TOLK: Hy het toe geappelleer, maar hy het toe sy appèl verloor en hy was toe vrygelaat in die jaar 1989.

MR VARNEY: So you can see that there was nothing that was, no steps were taken against Oscar Mphetha in relation to alleged SACTU activities or anything that Dr Aggett said.

TOLK: Maar geen stappe was geneem tussen hulle twee van die SACTU aktiwiteite wat genoem was deur dr Aggett.

MNR DEETLEFS: Ja.

INTERPRETER: Yes.

MNR DEETLEFS: U edele, as ek mag antwoord, ek het nie gesê dat Oscar Mphetha aangehou was nie.

10 INTERPRETER: M'Lord, I did not say that Oscar Mphetha was detained, but.

MNR DEETLEFS: Maar wat die advokaat nou gelees het daar of genoem het.

INTERPRETER: But what counsel has just read or what counsel had just referred to.

MNR DEETLEFS: Dat hy in 80 en ek dink in 83.

INTERPRETER: What counsel just named that in the year 80 and in the year 1983.

20 MNR DEETLEFS: Misdadige aktiwiteit mee besig was en dat hy 'n krimineel was.

INTERPRETER: That he was involved in illegal conduct and that he was also a criminal.

MNR DEETLEFS: U edele, hy kan eintlik bly wees hy het die 82 aanhouding gemis.

TOLK: Die 82?

MNR DEETLEFS: Ja.

INTERPRETER: He could, he actually be happy that he missed the?

MNR DEETLEFS: 1982.

INTERPRETER: He missed the 19? U sê?

COURT: 82 detention.

INTERPRETER: 1982 version, M'Lord.

COURT: He missed the 1982 detention?

MR DEETLEFS: Ja, dit is korrek, U Edele.

10 INTERPRETER: That is correct, M'Lord.

MR VARNEY: So, turning to Auret van Heerden and here we have a similar void of actions been taken.

TOLK: Nou gaan ons na Auret van Heerden, dieselfde gevangenis wat met ook met hom gebeur.

MR VARNEY: So, I can tell you, Mr Deetlefs that at the time when these disclosures were made, Auret was already in detention but this interrogation had stopped.

INTERPRETER: In 19, can you please repeat.

MR VARNEY: 1982.

20 TOLK: Ek stel dit aan u dat in 1992, Auret van Heerden was in hegtenis gehou in...

COURT: When disclosures were made.

TOLK: Toe dit openbaar gepraat was.

MR VARNEY: Sorry, Mr Deetlefs. I will let you know when I am done. He was released in July of 1982 and he will put up

an affidavit in which he will say that he was not questioned at all in these matters.

TOLK: En hy was vrygelaat in July 1982 en ons sal ook na 'n verklaring toe gaan waar hy sê hy was nie vrae gevra nie.

MR VARNEY: We did ask Mr van Heerden were there any other steps taken against him by the police and he said there were.

TOLK: Ons het toe vir mnr van Heerden gevra enige stappe gedoen was teen hom vanaf die polisie af en toe sê hy ja, daar
10 was.

MR VARNEY: And he said in 1985 during the State of emergency he was detained for six months.

TOLK: En toe sê hy dan dat in die jaar 1985 gedurende die State of emergency.. You say he was detained?

MR VARNEY: He was detained for six months.

TOLK: Hy was in hegtenis gehou vir sesmaande.

MR VARNEY: He was held in solitary and he was not questioned at all.

TOLK: Hy was daar aangehou en was nie glad nie vrae gevra
20 nie.

MR VARNEY: So, what I am putting to you, Mr Deetlefs is that in relation to Theron, Van Heerden and Mbheta, the police took no steps against the..., arising from the information provided by Dr Aggett.

TOLK: Wat ek aan u stel, dat Jan Theron, Van Heerden en

Mbheta, geen stappe was geneem vir hulle namens die verklaring wat gegee was deur dr Aggett.

MR DEETLEFS: Daaroor kan ek nie stry nie, U Edele. Daar was... Daar kan enige rede daarvoor gewees het. Daar kon ook selfs 'n tekort aan mannekrag gewees het wat die behoorlike ondervraging en ondersoek kon gedoen het.

INTERPRETER: Okay. M'Lord, I cannot deny that M'Lord that there were no steps taken but maybe there could have been a shortage, M'Lord or interrogators or there could have been a
10 shortage or manpower ...[intervenes].

COURT: To do what? Manpower, to do what?

TOLK: Mannekrag, om wat te doen?

MR DEETLEFS: Om dan die moontlikheid van misdrywe wat hy kon gepleeg het of gepleeg het behoorlik te kon ondersoek, U Edele.

INTERPRETER: M'Lord, to thoroughly investigate the possibility of any misconduct or any unlawful activities.

COURT: Really?

TOLK: Regtig?

20 COURT: Did the police run out of sort of manpower, investigating high treason?

TOLK: Het die polisie tekort gekom van mannekrag om *high treason* te ondersoek?

MR DEETLEFS: U Edele, ek sal sê ...[tussenbei].

INTERPRETER: M'Lord, I can say...

MR DEETLEFS: Die ondersoek personeel het, ek kan nie die hoeveelheid mense onthou nie, maar ons was nie baie nie. ...[tussenbei].

INTERPRETER: M'Lord... *Stop net daar*. I can say, M'Lord the amount, M'Lord of the investigation unit M'Lord, we were not that many.

MR DEETLEFS: En U Edele, wil ek ook sê dat daar was baie wat nie werklik die vermoë gehad het om 'n behoorlike saak van politieke aard te ondersoek of ...[tussenbei].

10 INTERPRETER: And I can also say, M'Lord that some of them did not have the experience of... *Jy sê die ondersoek van?*

MR DEETLEFS: Ja.

INTERPRETER: Most of them did not have the experience to investigate M'Lord, the possibility of politician activists.

MR DEETLEFS: En nog minder ...[tussenbei].

INTERPRETER: Activities, M'Lord. Sorry, M'Lord.

MR DEETLEFS: Ja, U Edele en nog minder oor die vermoë beskik het om 'n behoorlike ondervraging te doen.

20 INTERPRETER: And also, M'Lord to be able to do a proper interrogation or questioning.

MR VARNEY: Mr Deetlefs, I want to put it to you that your evidence and the facts that we had just presented to this court cast some serious doubt over your claim that ...[intervenies].

TOLK: Ek stel dit ook aan u dat wat u nou getuig, die moontlikheid... Nee, wat namens u getuienis bring baie twyfel

...[tussenbei].

MR VARNEY: Can I just reword that question?

INTERPRETER: Thank you.

MR VARNEY: I want to put it to you, Mr Deetlefs.

TOLK: Ek wil dit stel aan u, mnr Deetlefs.

MR VARNEY: That in the circumstances...

TOLK: In die omstandighede.

MR VARNEY: Your claim that Dr Aggett was so afraid because he had disclosed illegal activities...

10 TOLK: Wat u sê dat dr Aggett bang was dat hy het seker aktiwiteite van sekere aktiwiteite genoem, ja.

MR VARNEY: In relation to Jan Theron and possibly the others...

TOLK: Namens nou Jan Theron en moontlik die anders.

MR VARNEY: That there is serious doubt over that evidence.

TOLK: Daar is ernstige twyfel in daardie, in u getuienis.

MR DEETLEFS: Ja. U Edele, ek dink as ons kan 'n prentjie skilder van die man wat daar opspring, daar aan die ander kant van die tafel van ondervraging ...[tussenbei].

20 COURT: Just hold it.

TOLK: Die hof neem notas van wat u sê.

INTERPRETER: M'Lord, if we can draw a picture of a man that on the other side of the table who is jumping up from that table...

MR DEETLEFS: Kan ek maar aangaan?

INTERPRETER: Can I proceed?

COURT: Yes.

TOLK: Ja, u kan.

MR DEETLEFS: Dan bly dit vir my vandag 'n ontsettende groot raaisel en ek beskou dit nie... Ek beskou dr Neil Aggett toe hy by die tafel opgespring het en sekere erkennings gemaak het, dat hy dit nie so gedoen het en sy ...[tussenbei].

COURT: Just hold on. *Die woord ver raaisel, wat is 'n verraaisel?*

10 MR VARNEY: Raaisel.

COURT: So, it is a ...[intervenies].

TOLK: Kan u vir ...[intervenies].

MR VARNEY: It is a puzzle, M'Lord.

COURT: Ja, whose puzzles? Why he jumps, what is that, ja?

TOLK: *He said, 'n verraaisel*, hoekom hy opgespring het by die tafel. Sê u dit?

MR DEETLEFS: Ja.

INTERPRETER: Yes, M'Lord. It is a huge puzzle why he jumped up from that table.

20 COURT: Ja.

TOLK: Ja en?

MR DEETLEFS: En U Edele, dat hy so vêr gegaan het ...[tussenbei].

INTERPRETER: It went further...

MR DEETLEFS: Dat hy, as jy die woorde vat wat hy geuiter

het rondom, hy weet nie hoe hy nou langer... Hoe hy homself gaan vergewe.

INTERPRETER: And then it came out to the words that he mentioned by saying, he does not know how he is going to forgive himself, ja.

MR DEETLEFS: En U Edele, ek het dit ook gesien as 'n sterk moontlikheid van selfmoord pleeg deur hom.

INTERPRETER: M'Lord, I also saw it as a strong possibility of that a strong possibility of suicide. *U sê mos so, 'n sterk*
10 *moontlikheid van selfmoord, nè?*

MR DEETLEFS: Dit is korrek.

INTERPRETER: Indeed so, M'Lord.

MR VARNEY: Sir, you had a real fear that he might commit suicide because of what he explained to you and then he jumped up from the table.

TOLK: So, daar was 'n groot moontlikheid, u was bang ...[tussenbei].

MR VARNEY: Let me rephrase it.

TOLK: Okei.

20 MR VARNEY: You had a real fear that because he had betrayed Theron and perhaps the others and because he jumped and said, I cannot limit myself, you feared he might commit suicide.

TOLK: So, u het 'n groot vrees gehad na hy gesê het hy gaan nie homself kan vergewe nie. Dit is nou na hy ook opgespring

het. U het gevrees, 'n groot vrees gehad dat hy homself kon, dat hy self kon moord pleeg.

MR DEETLEFS: Selfmoord pleeg, ja. U Edele, ...[tussenbei].

INTERPRETER: To commit suicide.

MR DEETLEFS: Ek het dit voorheen getuig.

INTERPRETER: M'Lord, I have testified about it previously.

MR DEETLEFS: Dat ek aan luitenant Whitehead.

TOLK: Dat u hulle, ja. Dat u luitenant Whitehead?

MR DEETLEFS: Asook majoor Cronwright.

10 INTERPRETER: Majoor Cronwright that I have the... Gee my 'n sinnetjie wat ek verstaan die sinnetjie?

MR DEETLEFS: Ja, met ander woorde, dat daar 'n gevaar bestaan en ek vermoed dat daar 'n groot risiko bestaan dat hy selfmoord kon pleeg en ek het ook voorgestel dat hy in 'n psigiatriese hospitaal opgeneem moet word.

INTERPRETER: And M'Lord, I also mentioned to Cronwright and also to Whitehead that he should be taken to outside, to be taken and to be admitted to a psychiatric hospital, M'Lord.

20 MR VARNEY: Mr Deetlefs, let start with Lieutenant Whitehead, what was his response to your concern?

TOLK: Mnr Deetlefs, kom ons begin met luitenant Whitehead ...[intervenies].

MR COETZEE: M'Lord, I want to object, M'Lord because what we have done this aspect yesterday for five hours that we cross-examined. My learned colleague cross-examined about

these issues. If we want to proceed there and we cannot rehash the same issues over and over again and with great respect, we all have been referred to Mr Varney... Mr Varney has referred to us the fact that we are under time constraints and with great respect, we cannot go back to yesterday's cross-examination and do it again. I am sure he can test the validity of the cross-examination but it must ...[intervenes].

COURT: No ...[intervenes].

MR VARNEY: With great respect ...[intervenes].

10 COURT: Yes.

MR COETZEE: M'Lord, I just think ...[intervenes].

COURT: It is repetitive.

MR COETZEE: It is repetitive, M'Lord.

COURT: Raising questions, yes.

MR VARNEY: With the greatest respect to my learned vriend, this is the evidence that the witness himself has just put up. Secondly, I do not believe that the specific response of Lieutenant Whitehead was in fact canvassed at to what Lieutenant Whitehead would do.

20 COURT: Yes.

MR VARNEY: And is crucial evidence.

COURT: Did he respond? Can you remember what he responded to that?

MR COETZEE: M'Lord, it might not be that been mentioned but all I am asking is that we must try and perhaps expedite,

as we are under time constraints and we cannot just rehash issues.

COURT: Yes.

MR COETZEE: I agree, I cannot remember that question was ...[intervenes].

COURT: Ja, okay.

MR VARNEY: But M'Lord, there is no rehashing, M'Lord because it has not been canvassed.

COURT: Okay, objection overruled. You may proceed. What
10 did Whitehead said when you told him that Neil, there is a risk that Neil will commit suicide?

TOLK: Wat het Colonel ...[tussenbei].

COURT: Lieutenant Whitehead.

TOLK: *Lieutenant Whitehead* het gesê, toe u sê dat u vrees, toe u hom sê dat u vrees, dat dr Neil Aggett selfmoord kan pleeg?

MR DEETLEFS: Hy het daarna geluister en hy het geen reaksie teenoor my daaroor uitgelaat nie.

INTERPRETER: M'Lord, he listened to me and he did not take
20 any actions about that.

COURT: Sorry, he did not action or did he say something?

TOLK: Het hy nie enige aksie gevat nie of het hy enige iets gesê?

MR DEETLEFS: Hy het niks teenoor my gesê nie en ek weet wat in sy gedagtes aangegaan het nie.

INTERPRETER: M'Lord, he said nothing to me and I do not know what was going on in his head.

MR VARNEY: is it not extremely bizarre that you say to the Investigating Officer controlling Dr Aggett perhaps, this detainee might commit suicide and he does not respond?

TOLK: Was dit nie vreeslik gewees dat u sê vir die ondersoekbeampte of jy sê vir die ondersoekbeampte dat hierdie gevangenis gaan moord pleeg en hy doen niks daaroor nie? ...[tussenbei].

10 COURT: And do not respond.

TOLK: En hy geen nie enige antwoord daarop nie?

MR DEETLEFS: Met respek gesê U Edele, ek dink dit is as gevolg van sy onbekwaamheid.

INTERPRETER: With respect M'Lord, I think it is because of his things ...[intervenies]

COURT: Onbekwaam. I do not now what is it.

MR DEETLEFS: Onbekwaamheid.

COURT: Is it inexperience or what?

MR COETZEE: His inability or his inexperience.

20 COURT: Inexperience.

INTERPRETER: Of his inexperience, M'Lord.

MR DEETLEFS: Dat hy dalk die woorde wat dr Neil Aggett teenoor my geopper het ...[tussenbei].

TOLK: Dat hy wel?

MR DEETLEFS: Die woorde wat dr Neil Aggett toe teenoor my

geopper het.

INTERPRETER: The words that Dr Neil Aggett uttered to me, ja.

MR DEETLEFS: Asook my bekommernis wat ek uitgespreek het ...[tussenbei].

INTERPRETER: And as well as my concern that I have vented out, yes.

MR DEETLEFS: Dat dit vir my 'n risiko is en dat dit vir my neerkom op risiko dat dr Neil Aggett kon selfdood pleeg.

10 INTERPRETER: Dankie. To me it came as a risk, M'Lord that Mr Neil Aggett, Dr Neil Aggett... To me it came as a risk, M'Lord that Dr Neil Aggett could or was going to commit suicide ...[intervenies].

COURT: No.

INTERPRETER: I do not know if my sentence is alright, M'Lord.

COURT: The question was, did you not find it bizarre that you told that story to the Investigating Officer and he does, he says nothing. That is the question.

20 TOLK: Luister nou mooi mnr Deetlefs, die vraag is, is dit nie vir 'n verwondering nie, was dit nie vreeslik vir u nie dat jy nou die vir die ondersoekbeampte meedeel, maar die ondersoekbeampte doen niks daarop of hy sê niks daaroor nie? Dit is die vraag wat kom van die advokaat.

MR DEETLEFS: Ja, U Edele. Ek kan, weer eens met respek

sê, ek wonder of ek veel meer van hom verwag het.

INTERPRETER: Yes, M'Lord. I can say that I was expecting a lot more from him.

MR VARNEY: Can you put down his non-response to his inexperience?

TOLK: En u sê nou dat omdat hy nou u beantwoord het nie, u sê dan dat dit 'n onbekwaamheid is?

MR DEETLEFS: Ja, U Edele om daardie rede ...[tussenbei]

INTERPRETER: Yes and the reason why, ja.

10 MR DEETLEFS: Weens die feit dat hy niks teenoor my geopper het rondom dit nie.

INTERPRETER: And for the fact that he did not say anything to me about that.

MR DEETLEFS: Het ek na die ondersoek personeel se bevelvoerder ...[tussenbei].

INTERPRETER: I went to the investigating...

COURT: The commanding officer.

INTERPRETER: The commanding officer of the Investigating Officer.

20 MR DEETLEFS: En dit was op daardie stadium mnr Cronwright.

INTERPRETER: Cronwright and on that stage it was Mr Cronwright, M'Lord.

MR DEETLEFS: En ek het... Daar het ek eerder die indruk gekry dat hy dit ingeneem het.

TOLK: Dat dit ingeneem, wat ingeneem?

MR DEETLEFS: Ja, hy het gehoor wat ek sê en hy het dit ingeneem.

INTERPRETER: M'Lord, I then took the impression or I did get the impression that Mr Cronwright... *U sê dat hy geluister het wat u se?*

MR DEETLEFS: Ja.

INTERPRETER: That Mr Cronwright heard what I told him.

COURT: Yes.

10 MR DEETLEFS: Maar ek glo, U Edele as bevelvoerder hoef hy nie aan my 'n terugvoering te gee het wat hy van plan is om te doen rondom die situasie nie.

INTERPRETER: But M'Lord, I believe as the Commanding Officer, he did, there was no need for him to... *Dat hy vir u sê wat hy gaan doen?*

MR DEETLEFS: Ja.

INTERPRETER: He did not have to tell me what step or measures he is going to take.

MR DEETLEFS: Dit is korrek, U Edele.

20 MR VARNEY: Mr Deetlefs, if I hear you correctly, you are saying you gained the impression that Major Cronwright was hearing you but the question is what was his response to you?

TOLK: Ons hoor u se mnr Cronwright het gehoor wat u sê, maar wat het hy gedoen ...[tussenbei].

MR VARNEY: No, no.

TOLK: Of wat, sorry.

MR VARNEY: What was his response?

COURT: His response.

MR VARNEY: What was his response to Mr Deetlefs?

TOLK: Oh, wat het mnr Deetlefs geantwoord? Wat het hy gesê?

MR VARNEY: Cronwright said.

INTERPRETER: Cronwright, I am sorry, M'Lord.

10 COURT: Yes.

TOLK: Wat het mnr Cronwright vir u gesê toe u vir hom dit noem?

COURT: Cronwright.

TOLK: Cronwright.

MR DEETLEFS: Dit is baie lank terug U Edele, maar woorde tot die effek dat ek neem kennis van wat u aan my gesê het.

INTERPRETER: M'Lord, it is very... It is a long time ago but he said...

COURT: Take notice.

20 INTERPRETER: I take notice of what you just told me.

MR VARNEY: But he did not say or indicate that he would take any steps to make sure that this possibility would not happen?

TOLK: Maar hy het nie enige iets gesê of enige stappe gedoen om seker te maak laat hierdie moontlik, moontlikheid

nie moet gebeur nie?

MR DEETLEFS: Nee, U Edele.

INTERPRETER: No, M'Lord.

MR VARNEY: So Mr Deetlefs, I found the evidence you had given on this aspect difficult to grasp for the following reasons.

TOLK: Hierdie getuienis wat u nou afgeneem het, vind ek baie swaar om te glo en die is die volgende, die is die rede, die redes wat volg.

MR VARNEY: You testified earlier in these proceedings on
10 the question of the morning perhaps, Dr Aggett could commit suicide, you were threatened, I think you were threatened to be silent?

TOLK: U sê met die vraag op die waarskuwing wat dr Cron, wat Neil Aggett gesê het, u het gedwing of u was geskrik ...[tussenbei].

COURT: Tried to be silenced. Can you repeat the question?

MR VARNEY: Mr Deetlefs, apparently at a later stage you were told that on your concern about the possibility of Dr Aggett committing suicide, you were told or perhaps you were
20 threatened that you had to keep quiet?

COURT: Quiet.

MR DEETLEFS: Dit is korrek, U Edele.

TOLK: Voorheen het u gesê dat na hierdie waarskuwing wat die dr Neil Aggett vir u gesê het of wat u gesê het, u was gedwing om stil, het u gedwing om stil te bly?

MR DEETLEFS: Ja.

INTERPRETER: That is correct, M'Lord.

COURT: Yes.

MR VARNEY: When you were asked who made that request or perhaps even the threats, your responded there was Whitehead and Cronwright.

TOLK: Toe u gevra was, wie het u gedwing of wie, ja wie het u gedwing, toe het u gesê dit is Cronwright en Whitehead?

MR DEETLEFS: Dit is korrek, U Edele.

10 INTERPRETER: That is correct, M'Lord.

MR VARNEY: So, what is it if Cronwright gave you the impression that he was taking steps, why would he then asked you to keep quiet about it when he did what he did?

TOLK: Nou, as Cronwright hy het vol stappe gedoen het, hoekom het hy dan u gedwing en gesê u moet stilbly en hy het nie stappe geneem nie?

MR DEETLEFS: U Edele, hy het nie gesê dat hy gaan stappe neem nie.

20 INTERPRETER: M'Lord, he did not say he is going to take steps.

MR DEETLEFS: En wat in sy gedagtes aangegaan het, weet ek nie.

INTERPRETER: And what happened in his mind, M'Lord ...[intervenes].

MR DEETLEFS: Maar ...[tussenbei].

INTERPRETER: I did not know but...

MR DEETLEFS: As hy volgens inligting wat ek bekom het deur nuusberigte dat hy en Whitehead deel was van die elektriese skok op dr Neil Aggett.

INTERPRETER: What following the information that was on the media, M'Lord that him and you say him and?

MR DEETLEFS: Whitehead.

COURT: Whitehead.

INTERPRETER: And Whitehead, M'Lord electrified Neil
10 Aggett.

COURT: When voltage, electric shock?

TOLK: Is dit elektriese skok vir dr Neil Aggett.

MR DEETLEFS: Dan lyk dit vir my ek het my tyd gemors ...[tussenbei].

COURT: Sorry, please answer that question.

TOLK: Jy moet eers dit verduidelik wat die hof vir u gevra het.

MR DEETLEFS: Ekskuus.

COURT: You are saying that you learned later that him,
20 Cronwright and Whitehead were involved in electric shocks on Neil?

TOLK: U het toe later van tyd uitgevind dat Cronwright and Whitehead het vir vir Dr Neil Aggett 'n elektriese skok gegee?

MR DEETLEFS: Dit is wat ek uit die pers waargeneem het, U Edele.

INTERPRETER: M'Lord that is what I have learned, M'Lord in the press.

MR DEETLEFS: En dit was ek dink in 2018 of 2019.

INTERPRETER: And M'Lord that was in the year 2018 or 2019.

MR DEETLEFS: Dit is korrek, U Edele.

INTERPRETER: That is correct, M'Lord.

MR VARNEY: So Mr Deetlefs, there is no evidence before this court that Dr Aggett was taken to a psychiatrist following your
10 approach to Whitehead and Cronwright.

TOLK: Mnr Deetlefs, daar is nie enige getuienis wat u, die wat u nou gesê het in u getuienis that u het aangewend dat dr Neil Aggett na 'n psigiatriese hospitaal aangeneem moet word.

MR DEETLEFS: Ja, U Edele.

INTERPRETER: Yes, M'Lord.

MR DEETLEFS: Ek glo wat die advokaat vir my sê.

INTERPRETER: Yes, M'Lord. I agree what he wanted the counsel to be known or putting to me now.

MR DEETLEFS: Maar dat beide luitenant en majoor
20 Cronwright ...[tussenbei].

INTERPRETER: But both Lieutenant and Major Cronwright...

MR DEETLEFS: Dit heeltemal as nie belangrik beskou het nie.

INTERPRETER: They did not take it as important.

MR DEETLEFS: En dat hulle dan nie sowaar as wragtig

verder sou gaan en nou nog elektriese skokke sou gee nie.

INTERPRETER: And they truly went further on by giving him electric shock.

MR VARNEY: Mr Deetlefs, have you had occasion to go to the second floor cells in John Vorster square?

TOLK: Mnr Deetlefs, het u al 'n geleentheid gehad om na die tweede vloer selle toe te gaan?

MR DEETLEFS: In al my tyd U Edele, kan ek van twee spesifieke gevalle onthou.

10 INTERPRETER: In all of my times M'Lord I can remember of only two specific incidents.

MR VARNEY: Were you aware that at time there were in fact suicide proof cells available on the second floor?

TOLK: En op daardie tyd, was daar op die tweede vloer selfmoord proef selle?

MR DEETLEFS: Ek het nooit kennis gedra daarvan nie, U Edele. Ek hoor vandag vir die eerste maal daarvan. Dit is vir my interessant.

INTERPRETER: M'Lord, I did not bear any knowledge of that.
20 Today is the very first time I hear about that. M'Lord, it is very interesting to me.

MR VARNEY: There were certain cells that had the grill with the cage cupboard in perspex that would have made it impossible to hang oneself.

TOLK: Die selle was, het *grill* deure gehad wat dit onmoontlik

maak om vir, wat moontlik maak vir mens om selfmoord te kan pleeg ...[tussenbei]/

COURT: No, the grill was covered in perspex. Something like plastic.

INTERPRETER: Something plastic. Thank you, M'Lord.

COURT: Perspex, the grill.

TOLK: Die deur was iets soos 'n plastieke ...[tussenbei].

COURT: Perspex.

TOLK: Die grill daar, voor die grill was iets soos 'n plastiek, 10 iets wat voor was, wat hulle so perspex. So, dit was onmoontlik... Dit het dit onmoontlik gemaak vir een hom selfmoord te kan pleeg.

HOF: Om te hang.

MR VARNEY: In fact there is a detainee who has testified just last week before this court that he was moved around a few cells and all the cells were in these perspex covered or rather suicide proof cells.

TOLK: Daar was 'n persoon wat in hegtenis ook was, wat getuienis afkom lê het hierso, dit is nou verlede week, wat 20 gesê het sy was in verskillende selle... Sy was beweeg na verskillende selle toe en sy het ook gesê dat dit was onmoontlik om selfmoord te kan pleeg in daardie selle.

MR DEETLEFS: U Edele, as ek daarop kan antwoord, in die tyd wat ek daar was, was dit doodgewone selle met tralies wat oop en toegesluit was en daar was geen perspex en enige iets

snaaks daaraan nie.

INTERPRETER: M'Lord, if ...[intervenes].

MR DEETLEFS: Ek weet nie wanneer is dit aangebring nie.

INTERPRETER: M'Lord, if my memory served me correct, at the time when I was still working there, there was no cell, it was just an ordinary cell. *U sê dit was gewone selle, nè?*

MR DEETLEFS: Ja, gewone tralies en sulke goed. Daar was niks snaaks nie.

INTERPRETER: M'Lord, it was ordinary cells with burglar,
10 M'Lord. There was no perspex and any funny things, M'Lord. I do not know when was those there installed.

MR VARNEY: Mr Deetlefs, did you have seen the need to pick up the phone and call the officer in charge of the second floor cells, Warrant MacPherson and say, Warrant I should just bring to your attention that Dr Aggett is a suicide risk?

TOLK: Mnr Deetlefs, het u nie die nood gesien om die telefoon op te tel en te skakel vir MacPherson wat daaronder by die selle geplaas is om te werk nie, net om te sê, MacPherson, pasop daar is 'n moontlike moord pleeg wat kan
20 gebeur?

MR DEETLEFS: U Edele, MacPherson was baie op ons vloer. Ek weet nie wanneer het hy nou 'n kantoortjie onder by die selle gekry nie.

INTERPRETER: M'Lord, MacPherson was on our floor most of the time. I do not know when did he get an office down on the

second floor.

MR DEETLEFS: Maar ek sou aan die MacPherson, ek weet nie wat sy voornaam was nie, ek kan nie onthou nie, maar ons het hom altyd genoem Mac, MacPherson, sou ek vir hom sê, hoor hier ou Mac, jy moet 'n bietjie kyk jong, daardie ou het neigings of daardie persoon het neigings.

INTERPRETER: M'Lord, I would say to MacPherson, we used to call him Mac. I do not know what his first name was. I would always get him on our floor, M'Lord and would say, listen
10 Mac, you must check out this person is a attempting or this person is attempting to do this or the other. You must just ...[intervenes].

MR DEETLEFS: Was 'n risiko.

INTERPRETER: You must just keep an eye on them.

MR VARNEY: So, why did you not warn Mac in relation to Dr Aggett?

TOLK: Nou hoekom het jy dan nou nie vir Mac gewaarsku oor of van dr Aggett?

MR DEETLEFS: U Edele, ek kan nie spesifiek onthou of ek
20 hom gewaarsku het nie.

INTERPRETER: M'Lord, I cannot specifically remember if I had warned him but, ja.

MR DEETLEFS: Maar ek sou soos ek myself ken, sou ek vir ou Mac gesê het, Mac jy moet 'n bietjie uitkyk, hier kan 'n probleem wees hoor, hierdie ou mag hom dalk self hang.

INTERPRETER: M'Lord but knowing myself, I could have told MacPherson that Mac, you must be careful, this chap or this person might commit suicide.

MR VARNEY: Mr Deetlefs, I put it to you that if you in fact had warned Mac accordingly it would have been reflected in one of your statements.

TOLK: Ek stel dit aan u, as u vir Mac gewaarsku het, sou dit staan in een van jou verklarings.

MR DEETLEFS: Ek gaan dit betwyfel, U Edele.

10 INTERPRETER: I am going to deny that or dispute that, M'Lord.

MR VARNEY: M'Lord, I see it is after one, should take the lunch adjournment?

COURT: Yes, will I have an indication when I come back how long are you still going to be with the witness, when I come back, just to have an indication?

MR VARNEY: Yes, M'Lord. We still have quite a bit to get through but I would say at least an hour and I do not know if we should try and take a short term lunch adjournment in this
20 circumstances.

COURT: Okay, let us come back at quarter to two.

TOLK: Staan net.

COURT ADJOURNS [13:04]

COURT RESUMES

COURT: You may proceed sir.

MR VARNEY: As the court pleases. Before we commence, we have in fact found the proclamation for December 1962 proclamation, dealing with the prohibiting from office a number of individuals, unfortunately the list of the few hundred individuals are not next to this notice, the attorney is looking for it.

COURT: Okay.

10 MR VARNEY: The number list, the notice does ...[indistinct] form the notice that the organisations themselves are not prohibited.

COURT: I do not think it is in dispute.

MR VARNEY: M'Lord, we ...[indistinct] at 337 and we are also handing up a crisp clipping dealing with the criminal trials of ...[indistinct] and that is 1938. Mr Deetlefs, arriving out of the evidence that you have given in relation to the steps taken once you were aware that Doctor Aggett might commit suicide I need to put certain things to you. So, Mr Deetlefs, you have
20 already admitted in your earlier evidence that you were under legal duty to protect the wellbeing and lives of detainees under your control.

MR DEETLEFS: M'Lord, that is correct.

MR VARNEY: So, we will be submitting to this honourable court that Lieutenant Whitehead and Major Cronwright were

under the very same duty. We will be submitting further that on the version that you before this court both Lieutenant Whitehead and Major Cronwright ought to have acted but failed to act, failed to take steps to prevent the suicide of Doctor Aggett.

MR DEETLEFS: That is correct M'Lord.

MR VARNEY: I am not going to trouble you with the legal arguments but we will be submitting that both Whitehead and Cronwright are responsible then to the murder of Doctor
10 Aggett.

MR DEETLEFS: M'Lady, the counsel used the word, murder, and according to me it was not murder but it was suicide.

MR VARNEY: Yes, I hear what you say Mr Deetlefs, and as I said I do not want to trouble you with the arguments on law but there is a legal proposition that on the basis wat is called with a Latin term, *dolus eventualis* both Lieutenant Whitehead and Major Cronwright are responsible for the murder of Doctor Aggett. And Mr Deetlefs, where this impacts on you, is that you have admitted under oath a number of times in your affidavit
20 as well as in your evidence that you helped to cover up, you agreed to stay quiet. We will submit to this court that in helping to cover up that murder, you were accordingly and accessory after the fact to the murder of Doctor Neil Aggett.

MR DEETLEFS: M'Lord, I am going to dispute the argument of again, I am going to dispute the word, murder, because I do

not see that a person could commit self-murder and not suicide. M'Lord, may just add, M'Lord, I am also going to mention that I was threatened or I was forced M'Lord, in my testimony to tell the truth and I am also going to say that I was forced or threatened by my seniors M'Lord to lie.

MR VARNEY: Yes, I hear what you say Mr Deetlefs, but nonetheless, we will be putting it to this court that in covering up, in keeping silent , you were an accessory after the fact to murder.

10 MR DEETLEFS: M'Lord, dispute that fully.

MR VARNEY: Ad on the question of pressure, I believe an example of such alleged pressure was the fact that when you testified before the first inquest court your senior officers of the security branch present in court and are you suggesting that they intimidated you in to keeping quiet?

MR DEETLEFS: M'Lord, yes, and I would also add by saying M'Lord, in the previous inquest M'Lord, that it was easy to tell the truth but as I have already stated to this court that I had to lie with them in not telling the truth M'Lord.

20 MR VARNEY: Mr Deetlefs, I want to put it to you that in fact you had no fear whatsoever of the security branch officers sitting in the gallery. I want to put it to you further that you were a willing participant in this cover up, you were not threatened in the least.

MR DEETLEFS: U Edele, dis die grootste klomp twak as ek

van die advokaat kan verwys. Hoe sou ek dit nou vrywilliglik doen sonder dwang en die hof sit vol hogere offisiere en ou Niklaas as jy hier verkeerd getuig, ons jaag jou weg, jy sal Timbaktoe toe gaan.

MR VARNEY: So, is that what they said to you?

MR DEETLEFS: no M'Lord, it is not what they actually said to me, but it is how it was going to happen M'Lord and I was going to lose the job which I love.

INTERPRETER: The witness also said, that is a big piece of
10 rubbish M'Lord.

MR VARNEY: And further Mr Deetlefs on this aspect that you were somehow coerced into lying under oath before the first inquest, I put it to you that you are now giving false evidence before this court.

MR DEETLEFS: I strongly dispute that M'Lord, I previously at the first one, I lied but ion the current inquest, I am telling the truth.

MR VARNEY: Mr Deetlefs, you have heard of the Truth and Reconciliation Commission.

20 MR DEETLEFS: That is correct.

MR VARNEY: And you were aware that you could have approached the TRC, speak the truth and get amnesty. So, why you did not approach the Truth Commission and tell truth and get you amnesty?

MR DEETLEFS: M'Lord, I honestly speaking, I did not know

M'Lord about the Truth Commission, Truth and Reconciliation Commission. I did not know how it worked, I did not know how to approach them to go and tell the truth in that commission.

COURT: You say, he had more important or less important things?

MR DEETLEFS: M'Lord, I was under the impression that the people who killed people, the officers who killed people, there were many of them, but I did not know if I lied that was also supposed to come and be cleared in front of the Truth
10 Reconciliation Commission. M'Lord, because if I admit to it today here, I could have easily went to the Truth Commission and to admit it there, why not?

MR VARNEY: Yes Mr Deetlefs but the fact is that you did not and you covered up a serious crime what the Truth Commission calls, a gross human rights violation.

MR DEETLEFS: Can you please just also repeat your question because I cannot remember exactly what words you sued, will you please repeat the question for me of what you have just said now?

20 MR VARNEY: Mr Deetlefs actually I am going to move on because I think the point has been made so, do not trouble yourself on that. Mr Deetlefs, when you were, your offices on the 10th floor of John Vorster square, did you at times share an office with any of your colleagues?

MR DEETLEFS: No M'Lord.

MR VARNEY: The evidence of Sergeant Paul Erasmus who testified before this inquest, he said that at a certain point, you shared an office with an officer by the name of, William Cox.

MR DEETLEFS: No. M'Lord, Billy Cox had nothing to do with me. There was no space in my office for Billy Cox. There was only space for a detainee.

MR VARNEY: And the further allegation made by Paul Erasmus is that in that office, Cox was discovered with various drugs and poisons. And as a result, he was immediately
10 transferred out of John Vorster square. So, my question to you Mr Deetlefs in the course of your work as a security branch officer, have you ever had occasions to use or apply any drugs or poisons?

MR DEETLEFS: M'Lord, it is a nonsense and I also want to know, if Paul Erasmus, in his statement, there is anything mentioned like that then I would ask the counsel to please refer me to that portion of Paul Erasmus' statement.

MR VARNEY: Thank you Mr Deetlefs, we can move on. You indicate in your evidence that you permitted Doctor Aggett to
20 sleep on a camping bed in the interrogation room quite late that night ion the 30th January.

MR DEETLEFS: M'Lord that is correct, it was a big office, yes M'Lord, it was Lieutenant Whitehead's office, there was a camping bed in that office and I did make Doctor Neil Aggett to sleep thereon.

MR VARNEY: So, Mr Deetlefs as a matter of interest, these camping beds, were they, where were they kept? Were they just lying around in the offices or were they put in a store room and you had to get them?

MR DEETLEFS: M'Lord, I do not know where these comfortable camping beds came from M'Lord. It could have been, I have never seen them before, that Lieutenant Whitehead brought such a camping bed from his home M'Lord.

MR VARNEY: Thank you Mr Deetlefs, Mr Deetlefs, on the
10 question of sleeping in the offices, in the first inquest, you testified as follows, ...[indistinct] from the record, the transcript page number is 2082, I am going to summarise what the witness said, Mr Deetlefs, you said in the first inquest:

“Detainees preferred to sleep on the 10th floor when given the opportunity as there was a nice atmosphere, nicer than the cells”.

MR DEETLEFS: That is correct M'Lord.

COURT: Is that what it was? Is it the truth that they preferred to do that?

20 MR DEETLEFS: M'Lord, I asked him if he want to go back to the cells, he then replied to me by saying, he will sleep on the camping bed, he will enjoy sleeping there.

MR VARNEY: Mr Deetlefs, the question as slightly different, you have agreed that, in the first inquest you said, that detainees, not just Doctor Aggett but detainees, generally,

preferred to sleep on the 10th floor because it was a nicer atmosphere.

MR DEETLEFS: I do no knowledge of that M'Lord. There were no other camping beds in the offices on the 10th floor, except that one.

MR VARNEY: So, Mr Deetlefs, are you backtracking from what is reflected in the transcript? Are you at least agreeing that it was not detainees generally, then Doctor Aggett felt that sleeping on the 10th floor office, was a nicer atmosphere than
10 the cells? Because the atmosphere was nicer than the cells?

MR DEETLEFS: Yes that is correct M'Lord.

MR VARNEY: Mr Deetlefs, we will be putting it to you that such evidence is so improbable that it has to be false.

MR DEETLEFS: M'Lord, I dispute it in full and I differ.

MR VARNEY: Mr Deetlefs, do you recall that there were a set of 4 pages that was referred to in the first inquest but for reasons, I believe of national security they could not be disclosed to those first court proceedings?

MR DEETLEFS: Yes, M'Lord, it was published documents and
20 it could not, yes it was privileged documents, M'Lord and they could not be used by the lawyers of the defence.

MR VARNEY: And indeed in the transcripts and M'Lord it is at page 2067, you indicated to the first inquest court that Neil Aggett wrote 4 pages of his statement that night but that you could not show the court those pages, as Major Conrad

said it was not permissible because they were privileged?

MR DEETLEFS: That is correct, M'Lord, it was that and my notes, as well.

MR VARNEY: Mr Deetlefs, I am sure you will agree with me that now we are in 2020, that whatever concerns around national security that might have applied in 1982 no longer apply today?

MR DEETLEFS: M'Lord, if counsel can show to me or refer to me what he is talking about?

10 COURT: What that statement refers to, is that what you want?

MR DEETLEFS: Yes, M'Lord, if that is what the counsel is referring to then I will agree to that, M'Lord, I know that the law has been amended, M'Lord, yes, M'Lord according to me , M'Lord, I know that the law has been amended or has been changed...

COURT: The law on terrorism has been amended.

MR DEETLEFS: the law on terrorism has been amended, M'Lord.

20 MR VARNEY: Indeed, I think we can accept that the provision in question is no longer in force, it has been repealed, so my question to you is then, what was in the 4 pages?

MR DEETLEFS: I would lie, I would have to lie if I have to tell you what was contained in those pages.

MR VARNEY: It was something incredibly sensitive?

MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: That could not be disclosed in the first inquest court, in 1982?

MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: And am I also correct in saying the information in the 4 pages must have been different information that had been disclosed in Aggett's other statements?

MR DEETLEFS: M'Lord, I assume so, if counsel has read those documents but I would not know.

10 MR VARNEY: Well, as a matter of logic it stands to reason that the information must have been different because otherwise there would have been no point in not disclosing it?

MR DEETLEFS: Yes, M'Lord, yes I take it or I assume it was like that, M'Lord and for the fact also that Dr Neil Aggett was interrogated by people who does not have the experience of proper interrogation, M'Lord.

COURT: And therefore what was contained in those documents may not have been the truth, is that what you said?

20 MR DEETLEFS: M'Lord, he said to me he was going to tell the truth and what he wrote or what was written or what he gave me and it is also in my notes, M'Lord.

COURT: No, no, please do not go [indistinct], I just wanted to clarify your last part of your, you say that you accept that and I think that in my opinion, Neil was questioned by inexperienced people and what was in that statement may not have been the

truth, the 4 pages, is that what you said?

MR DEETLEFS: M'Lord, I do not...

COURT: No, no, no, I am not asking that what you said or maybe I misunderstood you?

MR DEETLEFS: M'Lord, I am very sorry if there was a misunderstanding but I was referring to the statements that was taken by Lieutenant Whitehead and I do not know who else. M'Lord, with my experience I think that Whitehead then discovered that here is the answers that I have been looking
10 for and for the past 3 months that he was asking him, he could not get these answers, that is correct, M'Lord.

COURT: 3 months?

MR DEETLEFS: M'Lord, I do not know how long was he detained before he came to me but I assume it was around 2-3 months.

COURT: You know, my questions was only about the 4 page statement, just the 4 page statement, the one that was embargoed not to be disclosed in court.

MR DEETLEFS: I believe it contained names of sensitive
20 people and it could have possibly come to misconducts, crimes M'Lord. M'Lord and I think, I assume, M'Lord and this is only my opinion that Whitehead found out the truth.

COURT: Okay.

MR VARNEY: As the court pleases, so Mr Deetlefs, as I understand your evidence, Lieutenant Whitehead, possibly due

to his inexperience spent several months trying to get the answers but did not do so and yet in 1 night you managed to find those answers and further, the answers were in those 4 pages?

MR DEETLEFS: Yes, M'Lord, I can say the way it is put is correct and that the answers that Whitehead was looking for was contained in that statement and also in my notes and if I can add on something, M'Lord, for in case it would be relevant for the court? And after they have received those 4 pages and
10 also my notes and now all of a sudden he wants to find out more around that issue and that is the reason, M'Lord I assume, that is the reason why he then did that tactic and that is why they then electric shocked Dr Neil Aggett, to get more answers which does not even exist.

MR VARNEY: So, Mr Deetlefs it is also indicated in the transcript that, although you could not disclose the contents but you accepted that the information in the 4 pages was connected to the ANC and SABTU?

MR DEETLEFS: Yes, ANC SABTU, M'Lord and the crimes,
20 M'Lord around the union activities, M'Lord.

MR VARNEY: So, I want to put it to you, Mr Deetlefs that these 4 pages never existed. Mr Deetlefs, it became apparent to you and your colleagues that what you had extracted from Neil Aggett disclosed nothing illegal and no crimes whatsoever and you further wished to give the impression to the court that

you had much more?

MR DEETLEFS: M'Lord, with due respect, I think the counsel is now playing guess-guess game because he does not know what was contained in those documents and those documents do exist. M'Lord, I know what those documents contained and also in my notes, he as the counsel does not know what was said in those documents and he cannot make out what was said in those documents.

MR VARNEY: So, if you say that you know what was
10 contained in the notes and those 4 pages, then bring us into the picture, what was contained in the 4 pages and the notes? And secondly, what action was taken on the basis of those notes and 4 pages?

MR DEETLEFS: M'Lord, it was many years ago and I cannot remember what the details was on those pages but M'Lord, it was definitely about crimes and also about the people that was implicated in those documents, M'Lord.

MR VARNEY: So, what I do not understand Mr Deetlefs is
20 that you were happy for the names of Theron, Van Heerden and Mpetta to be disclosed in Mr Aggett's statements that went before court? So, if in fact your evidence is to be believed, that there were other names related to the ANC and SABTU in the 4 pages, why they could they not have been put before the court?

MR DEETLEFS: I cannot explain that but the person who

must explain that would be the investigating officer, who is Lieutenant Whitehead, he must come and explain that.

MR VARNEY: Mr Deetlefs, in your personal file there is a statement that you made and M'Lord it is part of the investigating officer's file of documents, FGK number 13(6). Mr Deetlefs, when you applied for medical boarding, did you raise the Aggett case as one of the reasons for, to be declared medically unfit?

MR DEETLEFS: U Edele dit sou onder andere, daardie
10 verklaring bevat 'n hele aantal bladsye waarvan 'n klomp aan die agterkant vermis is, wat dit behels weet ek nie maar ek sou beslis, baie van die sake wat ek daar vermeld het, sou op my sielkundig 'n uitwerking gehad het, onder andere Dr Neil Aggett se selfmoord en ook later aan Ernest Dipale, dit is maar van 2 wat ek nou kan onthou.

COURT: Yes, the long or short of it is that he agrees that his statement, in his statement he used the case of Neil Aggett as one of the reasons.

MR DEETLEFS: It had an effect on me, it was not normal to
20 me, for me M'Lord and who wants to walk around knowing that that person hanged himself and the other person committed suicide, M'Lord that is a sore, that is like a sword hanging over one.

MR VARNEY: So, it caused you considerable stress and pressure over the years?

MR DEETLEFS: Yes, M'Lord, mostly during those years when I made that application.

MR VARNEY: And can you just inform the court what your connection was to Ernest Dipale?

MR DEETLEFS: He was detained under, he was also detained under the Criminal Procedure Act, he asked me if he could write his own statement and also that he would want to come before a magistrate to give a confession.

COURT: A confession or an admission, a confession?

10 MR DEETLEFS: A confession, M'Lord.

COURT: Okay.

MR DEETLEFS: Or an admission, M'Lord.

COURT: Hang on, yes?

MR DEETLEFS: We had a very good relationship, M'Lord, M'Lord, there was no pressure on him, there was nothing and if my memory serves me correct, it was Sergeant Joe Nyampule who took him to the magistrate, he brought him back, M'Lord, if my memory serves me correct, I read the statement and there after, M'Lord, I went off duty and M'Lord, I think it was
20 on a Friday when I told him, informed him that he would appear in court the coming Monday, that is correct, M'Lord.

MR VARNEY: So, the long and the short of it is that you questioned Ernest Dipale, thereafter he appeared in court, thereafter he was found hanging in his cell?

MR DEETLEFS: No, that is not correct, M'Lord. M'Lord, the

Friday he gave his confession, if I am correct. I then informed him that he would appear the Monday in court. And the same night which he gave his confession, that was now the Friday and that Col van Niekerk telephonically contacted me whilst I was home, M'Lord, I am speaking under correction, it was, the time was round about 12, after 12 or about 01:00 in the early hours of the morning. He then informed me that Dipale hanged himself inside his cell and that I should go to John Vorster School.

10 MR VARNEY: M'Lord, if I can refer you to paragraph 3, page ..., it seems to be unnumbered, M'Lord, page 17 ...

COURT: Of what statement?

MR VARNEY: Of this statement ...

COURT: Of GK13-46, the statement of the witness?

MR VARNEY: The statement of the witness in his personal file.

COURT: Yes.

MR VARNEY: But it is part of the FGK file that was handed up on the first day, M'Lord.

20 COURT: Yes.

MR VARNEY: M'Lord, we did give you a copy.

COURT: Yes.

MR VARNEY: In that paragraph ...[indistinct], is consistent with what the witness has just said. In paragraph 20 of the same statement, paragraph 20 you deal with Dr Aggett and I do

not want to deal with the whole paragraph, because there is too much, I have already traversed those facts, but there is something else you make reference to. You state in that paragraph Mr Deetlefs, that the following morning, so then this one ...[indistinct] the 31st of January, Whitehead sat with Neil Aggett in his office, while he put the facts of Aggett's submission into a telex report to Security Headquarters in Pretoria. And you go on to say Whitehead put brief questions to Aggett to clear up some facts in his submission.. And then
10 you say, I could see that the fact that Aggett had made these facts known and repeating them to Whitehead was a very bad experience on him.

That evening back in his cell Aggett hanged himself with a tablecloth. So Mr Deetlefs, now that you have been reminded what you said in this statement and I can tell you that Lt Whitehead confirms that such a telex was being prepared, do you recall this in counsel?

MR DEETLEFS: Yes. M'Lord, if I can just go back to what counsel has started reading from there, I interrogated him on
20 the evening of the 30th of January 1982, it then crossed over, M'Lord, which was the Sunday on the 31st. M'Lord, in other words the telex that was prepared by Lt Whitehead was going to be there on the Monday, because we do not send a telex on a Sunday. It is correct, M'Lord.

MR VARNEY: And were you present in the office when this

was happening?

MR DEETLEFS: Yes, M'Lord, but not out of free willing, Lt Whitehead called me to come to his office and certain aspects in my notes, he wanted clarity on certain aspects in my notes, M'Lord. M'Lord, what I can say is that Dr Neil Aggett appeared to me, he appeared to me as tense, M'Lord. For the short period of time that I was present there Dr Neil Aggett again, M'Lord, uttered words, words to the effect that he does not wish to live any longer, it was coming
10 down on or a very strong glee of the words that, I do not know how am I going to live with myself. Thereafter, M'Lord, I then left that office and I never saw Dr Neil Aggett ever again.

MR VARNEY: Mr Deetlefs, you have just said that in that encounter with Lt Whitehead, Neil Aggett and correct me if I am wrong, Neil Aggett said during the course of your time though that he does not wish to live any longer and he cannot forgive himself?

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

MR VARNEY: And what was Lt Whitehead's reaction to this?

20 MR DEETLEFS: According to me there was no reaction from him.

MR VARNEY: Now this was the second time you heard Dr Aggett say something along these lines?

MR DEETLEFS: Yes, same words ... Yes M'Lord, that was the second time and I understand the counsel by saying that it

is also the second time which Whitehead did not show any reaction after those words.

MR VARNEY: Yes and unfortunately Lt Whitehead is no longer with us to explain his reaction. And this was the second time that you have heard these words from Dr Aggett, surely now alarm bells must have been ringing for you?

MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: So what then did you do about it?

MR DEETLEFS: Again I went to my commander, who is
10 Col Cronwright, or he was a Major, but I assume he was a colonel. According to me his reaction, M'Lord, was cool and again he said he took note of what I said.

MR VARNEY: So his reaction was cool and he took note?

MR DEETLEFS: Yes M'Lord, he took note of what I have told him about.

MR VARNEY: ?And given the reaction that you described of Whitehead and Cronwright, again I have to ask you, did you not feel the need to take further steps to perhaps speak with McPherson or perhaps even contact the inspector of
20 detainees? And perhaps just an ordinary doctor?

MR DEETLEFS: M'Lord, honestly speaking, I did not do anything about it, I did not say anything to them about it, because I expected that my commander would do something about it, after I have told them.

MR VARNEY: And you now know after the fact that they did

nothing?

MR DEETLEFS: Yes M'Lord, it is very clear that they had done nothing about it.

MR VARNEY: And if they had something about it Dr Aggett may very well be alive today?

MR DEETLEFS: Yes M'Lord, there would be a very strong possibility that he would have been alive today.

MR VARNEY: Now am I correct in saying that the information that was put into the telex came directly from your notes, as
10 well as the four pages?

MR DEETLEFS: M'Lord, yes, indeed so and for the fact that he wanted me to come and give clarity of something that was noted in that, on the notes, M'Lord, on the notes, he wanted clarity on the notes, M'Lord.

MR VARNEY: And further you seem to be suggesting Mr Deetlefs, that, given that Dr Aggett now knew that this telex was being sent with that information, that that was perhaps traumatic for him and might have contributed to the suicide? Knowing that the telex was being prepared in front of him, with
20 the information that he had provided in the four pages, that that was a bad experience, traumatic for Dr Aggett?

MR DEETLEFS: I think it gave further leads, M'Lord. That is correct, M'Lord.

MR VARNEY: So Mr Deetlefs, I have already ...

MR DEETLEFS: If Lt Whitehead, at the time when he was

preparing the telex and to send it to headquarters and if he did mention that this detainee is at risk or is at risk of committing suicide, headquarters would have acted immediately and fast, that the detainee should be taken or be admitted into a hospital. My, and I assume, M'Lord, that he did not add that or name that in the telex and he ignored that.

MR VARNEY: Thank you, Mr Deetlefs. Now Mr Deetlefs, I have already put it to you that we will be submitting to this honourable court the four pages, .did not exist, I know that is
10 simply a fabrication and we will be further submitting that the evidence on the telex is also a fabrication. And we will be submitting that the reason why the story of the telex was put up was to come up with an explanation for the suicide.

MR DEETLEFS: M'Lord, I totally and completely dispute the counsel's ...[indistinct] and I am saying that it did happen and I stand on my word, M'Lord.

MR VARNEY: Assuming for the moment that it did happen, do you think it was a mistake to prepare the telex in the presence of Dr Aggett?

20 MR DEETLEFS: M'Lord, it was a huge mistake.

MR VARNEY: Why?

MR DEETLEFS: Because he also asked questions to Dr Aggett, pertaining things that he mentioned in his statement and also something that he needed clarity on, on some sentence and also from my notes.

MR VARNEY: Thank you, Mr Deetlefs. You say in your evidence that you heard that Dr Aggett hanged himself in his cell with a tablecloth, did you wonder what Dr Aggett was doing with a tablecloth in his cell?

MR DEETLEFS: No M'Lord, I did not wonder, because he was higher person, a medical doctor, M'Lord, I understood it and I cannot say by who, it was something that was talk along the passages, that Dr Aggett's family were the ones who brought that tablecloth to him for a kind of lunch ...

10 MR VARNEY: We do not have to deal with that further, Mr Deetlefs. Mr Deetlefs, I am obliged to put certain allegations that have been made against you, in relation to forms of abuse and these complaints or assertions were made by Barbara Hogan, Frank Tshikane and Jabu Ngwenya. Now hopefully we can deal with this quickly, the way I would like to do it is to simply put the allegation to you and I assume that you are going to be disputing it and if you dispute it, just say, I deny it.

MR DEETLEFS: Correct.

20 MR VARNEY: Now you have already referred to the fact that Barbara Hogan has alleged that you assaulted her, so in the affidavit she made out in September 1982 and M'Lord, it is EXHIBIT B4.2.1, she says that yourself and Officer Prince interrogated her in a very aggressive manner, shouting and screaming at her.

MR DEETLEFS: M'Lord, I will admit, Barbara Hogan was sitting opposite me, where I was interrogating her, I then gave her, with an open hand, a slap on her cheek, yes M'Lord, that is what I have done to her, I was alone, it was only the two of us, myself and her, when I gave her the slap, M'Lord, she must have said something that made me to hit her, because I am not a violent person and I am totally against violence. M'Lord, today I want to say, in this court, I would like to apologise to her, apologising for slapping her, because to me it is so wrong
10 to assault a female person, because that is not how I was brought up.

MR VARNEY: Mr Deetlefs, you testified earlier that you are not allowed to be alone with a female detainee?

MR DEETLEFS: That is correct, M'Lord, Const Anne Neuwlenberg, she was at all times present, M'Lord, with the interrogation, she was not present at that stage, for some reason, M'Lord, she had to leave the office for, yes, for some reason she had to leave the office at that stage.

MR VARNEY: On that score, Mr Deetlefs, I can tell you that
20 Brig Moller, who testified in the first inquest, said that a second person must always be present to ensure the safety of the detainee, but earlier you testified that you were alone with Dr Aggett and there was no need and there was no rule of, necessary to have a second person present.

MR DEETLEFS: That is correct, M'Lord, but because of

Woensdrech and Whitehead attending a function, there was no one, M'Lord, that could be present at that stage.

COURT: Yes.

MR VARNEY: M'Lord, this evidence can be found at page 865 of the first inquest record, from 925.

COURT: yes.

MR VARNEY: Mr Deetlefs, Barbara Hogan also says that you threatened to torture her with electric shocks and went so far as to bring in an electrical cord?

10 MR DEETLEFS: M'Lord, that happened long time ago, I could have said that, just to boost out the truth out of her, M'Lord and I could have maybe had a electrical cord there with me, but how do you electric shock a person by just plugging in the electric cord in? It was just to scare her, just a story to scare her off.

MR VARNEY: Now was this somewhat before you decided to change tact with your interrogation and not to use force ...[indistinct] approach it with a more mind game approach to ...

20 MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: Now that interrogation happened on the 22nd of October 1981, so it would seem that you underwent some kind of change of heart or metamorphous between October 2981 and perhaps January, late January 1982?

MR DEETLEFS: M'Lord, that is correct.

MR VARNEY: And Barbara Hogan also alleges in the same affidavit, M'Lord, EXHIBIT B4.2.1, that at the time hen she was taken to Dr Jacobson, you had told her that it would be better if she did not report the assault to the doctor?

MR DEETLEFS: M'Lord, I can really not remember, it happened long time ago, but I really cannot remember if I have uttered these kind of words to her.

MR VARNEY: And then on the same affidavit and this time on the 14th of November 1982, she alleges that Capt Struwig hit
10 her on the face with his hand, in other words an assault, as well as a newspaper.

MR DEETLEFS: M'Lord, I bear no knowledge if Capt Struwig had done that, I do not think, and if it did happen, it is possible, M'Lord, but if it did happen I was not present.

MR VARNEY: Well she alleges that at the same interrogation you ordered her to sit under the table to answer questions.

MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: M'Lord, my juniors have ...[indistinct] me that in fact it was 1981, not 1982, so that was 14 November 1981.

20 COURT: Yes.

MR VARNEY: I apologise, Mr Deetlefs, it was not '82, it was '81.

MR DEETLEFS: Acceptable.

MR VARNEY: And did I hear you correctly that you are not disputing that you ordered her to sit under the table?

MR DEETLEFS: I am not disputing it, I did that.

MR VARNEY: If we can move to the sworn statement of Frank Tshikane, M'Lord, this is the affidavit made by Frank Tshikane and filed before this court, it is EXHIBIT G14, at paragraph 21. Mr Deetlefs, Frank Tshikane says that he was insulted and verbally abused by you during his detention, from January 1982 to July 1982.

MR DEETLEFS: Yes. M'Lord, I will not dispute it, but I will also qualify it by saying, that during those deep apartheid
10 years and under the members of the Security Branch and it was also, everyone in the whole South Africa, the whites, M'Lord, would use the K-word and all of us did that.

COURT: All white people?

MR DEETLEFS: No M'Lord, but majority, many of the whites used the K-word, M'Lord.

MR VARNEY: Mr Deetlefs, I do not want to spend on this, but it would be the racist whites who used that word?

MR DEETLEFS: That is going to be very difficult now, who was racist and who was not. Nommer een, ek was ...

20 MR VARNEY: Mr Deetlefs, we are not going to waste time, this court's time on matters to ...

MR DEETLEFS: You do not have to, but I want to complete my evidence.

MR VARNEY: That is not the question, I simply put that you and you appear to be disputing it and that is the end of it, I am

moving to my next question.

MR DEETLEFS: No, I do not agree, M'Lord, I want to explain myself.

MR VARNEY: M'Lord, I wonder if you could make a ruling, my submission is that we are short on time, he raised the K-word, I put submission to him, but he has disputed it, now we must move on.

COURT: In all fairness, I want him to say his say, please say what you want to say.

10 MR DEETLEFS: M'Lord, I could, but I am not going to exclude the possibility, that I did call him the K-word-priest, reverend, M'Lord. That is correct, M'Lord.

COURT: Yes, proceed.

MR VARNEY: Is that all you have to say?

MR DEETLEFS: Yes, concerning him.

MR VARNEY: Now Frank Tshikane says that he was assaulted by Lt Piet Syffret in your presence.

20 MR DEETLEFS: M'Lord, I cannot remember it, M'Lord, I did not see any assault where he was present, I did not witness any assault where he was present.

MR VARNEY: And turning to Mr Jabu Ngwenya, and M'Lord, here the reference is, on Mr Ngwenya's affidavit, EXHIBIT G23 and I am referring to paragraph 16, Mr Ngwenya states that some time during the process of writing a statement he was taken to Deetlefs' office and Deetlefs threatened to kill him.

MR DEETLEFS: I will completely say it is the biggest nonsense, M'Lord.

MR VARNEY: Now referring to your final paragraph and your statement before this honourable court, you state, we had to stand together and cover each other in order to protect the Security Branch.

MR DEETLEFS: M'Lord, that is correct, I did say that.

MR VARNEY: And you have testified before this court that that included on a routine basis cover-ups of the Security
10 Branch.

MR DEETLEFS: That is correct, M'Lord.

MR VARNEY: Now presumably included fabricating evidence?

MR DEETLEFS: Yes, M'Lord, you can look at it in that way.

COURT: Was it like that or was it never like that?

MR DEETLEFS: M'Lord, it was like that.

MR VARNEY: And it also included lying under oath before court?

MR DEETLEFS: Yes M'Lord, I did appear, it did happen, M'Lord, specifically in this matter, but I bear no knowledge in
20 other matters, but yes, in this one.

MR VARNEY: Well I have to put it to you, because you have already testified that covering up by Security Branch members was routine.

MR DEETLEFS: Yes, that is correct.

MR VARNEY: Yes and I must put it to you further that it was

not just on the Aggett inquest where the Security Branch lied under oath, it would have been in other proceedings as well.

MR DEETLEFS: M'Lord, this was the only matter or the only case that it ever happened, which I can recall.

MR VARNEY: Yes and on that score, given your evidence, we will again say that it is so improbable it has to be false.

MR DEETLEFS: M'Lord, I completely dispute that statement.

MR VARNEY: So Mr Deetlefs, what I want to know is, you have to stand together and cover for each other, so the
10 question is, what were you covering up, am I right in saying it included assaults and torture of detainees?

MR DEETLEFS: Yes M'Lord, I have stated or I have said previously that yes, that is like that, but M'Lord, this is the only matter, this is the only case which I can remember that I have done that.

MR VARNEY: And I have to put it to you that in light of your evidence, that covering up was routine and that assaults were routine, that that is false evidence.

MR DEETLEFS: Yes, it is like that, M'Lord, but I am going to
20 say it again, that I have never had cases like these, M'Lord, this was the only one that I have experienced.

MR VARNEY: And Mr Deetlefs, besides assault and torture, what other crimes were being covered up by the Security Branch?

MR DEETLEFS: M'Lord, I bear no knowledge, I do not know

what is contained in their statements, I bear no, I do not know, I bear no knowledge.

MR VARNEY: But since you have conceded that you covered for each other and covered up, I presume that other crimes were being covered up and my question is, did it include murder?

MR DEETLEFS: M'Lord, I was not involved in any murders that transpired and I was not even ...[indistinct] any murder.

MR VARNEY: So I want to put it to you, Mr Deetlefs, you
10 were covering up for your colleagues and potentially yourself in the first inquest.

MR DEETLEFS: Yes, as I have already testified, M'Lord and mentioned that I was forced by my senior officers.

MR VARNEY: And I wish to put it to you that before this inquest you have persisted with a cover-up and you have not given this court the full truth.

MR DEETLEFS: M'Lord, I have come out with the full truth and there is nothing that I can add on.

MR VARNEY: And so finally what I have to put to you,
20 Mr Deetlefs, is the questions to what you were covering up and I am putting it to you, you were covering up one or two things, possibly two things, number one, you were covering up the abuse, assaults and torture of Dr Neil Aggett and/or you were covering up the murder of Neil Aggett.

MR DEETLEFS: M'Lord, I did say in interrogated him, Dr

Neil Aggett, on the 30th of January 1982, I do not know of any assaults, M'Lord and any other thing that transpired there or you can just call it as you please and now murder, I do not know where counsel come with that.

MR VARNEY: No further questions, M'Lord.

COURT: I see it is now 16:00, we cannot proceed, do you agree?

ADV MLOTSHWA: I agree, M'Lord.

COURT: Tell me otherwise.

10 ADV MLOTSHWA: I agree, M'Lord, we requested our cross-examination of Deetlefs to be postponed until tomorrow.

COURT: You agree?

MR COETZEE: M'Lord, in anticipation that we might I had already made arrangements for Mr Deetlefs to stay over another day, so we anticipated that he ...

COURT: Okay, very well, thank you. Due to time the other counsels have not as yet had an opportunity to question you, Mr Deetlefs, but I am sure it will go quicker tomorrow. This matter is postponed to tomorrow the 19th of February at 09:30,
20 again in the morning. Please be here, Mr Deetlefs.

MR DEETLEFS: Thank you, M'Lord, understood.

COURT: Thank you, thank you. Court adjourns.

COURT ADJOURNS TO 19 FEBRUARY 2020 [15:46]

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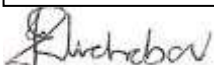
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