

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

CASE NO: 445/2019

DATE: 2020-02-20

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FORMAL INQUEST

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

Into the death of the late:

DR NEIL HUDSON AGGETT

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BEFORE THE HONOURABLE MR JUSTICE MAKUME J

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ON BEHALF OF THE STATE : ADV MLOTSHWA  
ADV SINGH

ON BEHALF OF THE FAMILY : ADV VARNEY

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

ON BEHALF OF SAPS : ADV MOHAMED  
[Current SAPS]

INTERPRETER : MS XOLISWA HEGENI



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COURT RESUMES ON 20 FEBRUARY 2020 [09:49]

COURT: Good morning. Yes? Swear him in, please.

TOLK: Good Morning Judge. Sal you net staan asseblief? U volle naam en u van?

GETUIE: Nicolaas Johannes Deetlefs.

INTERPRETER: Nicolaas Johannes Deetlefs, M'Lord. Het u enige beswaar om die voorgeskrewe eed te neem?

MNR DEETLEFS: Nee, U Edele.

INTERPRETER: No objections in taking the prescribed oath,  
10 M'Lady. Sweer u alles wat u in die hof gaan getuig sal alles net die waarheid wees? As did so is, *raise* u regterhand en sê: So help my God.

MNR DEETLEFS: So help my God.

INTERPRETER: Sworn in, M'Lord.

NICOLAAS JOHANNES DEETLEFS: (Still under oath)

COURT: Thank you. Yes?

MR VARNEY: M'Lord, just before we commence, I am going to hand up, with the leave of the Court, two exhibits. M'Lord, the first exhibit is a report by the Commanding Officer. It is  
20 SAP222, and deals with the medals awarded to this witness. M'Lord, we would like to mark this EXHIBIT G40. M'Lord, in this part of the personal file of this witness, and for reasons not clear to us, it was not part of the file handed up by the investigating officer. It may have just been a photocopying issue.

COURT: Okay. What exhibit is it?

MR VARNEY: G40.

COURT: Alright.

MR VARNEY: And then the next exhibit is the affidavit of Johnathan Liam Joffey. M'Lord, he was the photographer who took the photographs that we handed up earlier in the week. And he confirms that he took those photographs, and his affidavit is marked G41.

COURT: Thank you.

10 MR VARNEY: As the Court pleases.

COURT: Thank you. Yes. You may proceed, Advocate Mlotshwa?

EXAMINATION BY MR MLOTSHWA: As the Court pleases. Morning, Mr Singh. Sorry, Deetlefs.

MNR DEETLEFS: Môme.

MR MLOTSHWA: Sir, you will help us a lot by listening carefully to the questions and just answering the question.

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: Mr Deetlefs, you agree with me that you  
20 can electrocute a person, alone?

MR DEETLEFS: I do not know, M'Lord.

MR MLOTSHWA: When?

COURT: Sorry? What is the question?

MR MLOTSHWA: The question is, M'Lord, can electrocute a person... [intervened]

COURT: Okay. No, that one is answered. He says he has no knowledge.

MR MLOTSHWA: Yes.

COURT: I thought you had asked another question.

MR MLOTSHWA: No, no, no. Not yet, M'Lord.

COURT: Okay.

MR MLOTSHWA: You do not know? Or are you saying it is impossible to do it?

MR DEETLEFS: M'Lord, I cannot say because I do not know  
10 how it is done.

MR MLOTSHWA: Ja. Let me put this scenario to you. If a person's hands are tied, he is sitting on a chair, and his feet are tied, and then you just put the electric cable and you plug it in.

MR DEETLEFS: I do not know, M'Lord.

MR MLOTSHWA: Ja. Then I will show you that you know that.

MNR DEETLEFS: Ek luister, U Edele.

MR MLOTSHWA: Ja. Your psychiatrist, Doctor Kobus Van  
20 Biljon, you remember him?

MNR DEETLEFS: Ek weet nie. Ek... [tussenbeide]

MR MLOTSHWA: I will show on his letter.

MR DEETLEFS: I do not know, M'Lord. But it could be, M'Lord.

MR MLOTSHWA: Ja. Will you just look at the letter?

COURT: Can you describe the letter? What is the letter...  
[intervened]

MR MLOTSHWA: M'Lord, if I may hand over a copy to the Honourable Court for the Court's attention? But it is part of an exhibit, M'Lord. It is part of FGK136. But in any event, for the convenience of the Court, I will hand over a copy.

COURT: Yes?

MR MLOTSHWA: You see that letter now?

MR DEETLEFS: That is correct, M'Lord.

10 MR MLOTSHWA: And it is about yourself?

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: And it is dated the 25<sup>th</sup> of February 1995.

MNR DEETLEFS: I see so, M'Lord.

MR MLOTSHWA: Ja. Paragraph 2 thereof. Kan u dit vir ons lees?

MR DEETLEFS:

“Kaptein Deetlefs het reeds 27 jaar diens in die  
SAPD.”

20 INTERPRETER: Captain Deetlefs already served 27 years in  
the SAPS.

MNR DEETLEFS:

“Waarvan hy 17 jaar diens gedoen het in the  
veiligheidstak.

INTERPRETER: Where he served years in the security  
branch.

MR MLOTSHWA: Ja? Hy is? Lees verder.

MNR DEETLEFS: Ekskuus:

“Hy is bestempel as ‘n ‘*notorious*’...”

Ek weet nie wat, *interrogator* of iets is nie:

“...wat sukses behaal het veral ten opsigte van...”

Ek kan nie daardie woord mooi uitmaak nie.

MR MLOTSHWA: Sake.

TOLK: Sake.

MNR DEETLEFS: Is dit in sake?

10 MR MLOTSHWA:

“Ten opsigte van sake waarby politieke aktiwiteite  
betrokke was.”

MR DEETLEFS: I understand. That is correct, M’Lord.

MR MLOTSHWA:

“Hy is reeds 22 jaar getroud en vader van twee  
kinders.”

MNR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: Ja. That information there is correct?

MR DEETLEFS: That is correct, M’Lord.

20 MR MLOTSHWA: That you were a notorious interrogator? ‘n  
Berigte ondervraer.

MR DEETLEFS: M’Lord, I will not say so. I will not say so,  
M’Lord. But I do not know why it is written like that. But I will  
not say that I was a notorious interrogator.

MNR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: So your own psychiatrist is not describing you correct, according to you?

MNR DEETLEFS: That I will not say, M'Lord.

MR MLOTSHWA: Where would he have gotten this information?

MR DEETLEFS: M'Lord, I had made a lot of, or I cut... I have made a lot of articles out of the newspaper, M'Lord, out of the cases.

COURT: Is it newspaper clippings? Or clippings from  
10 newspapers?

MR DEETLEFS: That is correct, M'Lord. Can I also just add, M'Lord? M'Lord, the article that I remember that was specifically talking about that, M'Lord. The article started by saying, or the heading was saying, M'Lord: Notorious Interrogator with a gold stone commission.

MR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: And you gave that article to your psychiatrist?

MR DEETLEFS: M'Lord, I gave several articles, which I cut  
20 out, M'Lord, to him. And he utilised that.

MR MLOTSHWA: Ja. Okay. Besides that, notorious interrogator, all the information contained in this paragraph, is it true?

MR DEETLEFS: M'Lord, the whole paragraph is correct.

MR MLOTSHWA: And I will take it that you supplied the

information to your psychiatrist? He did not read that in the newspapers.

MR DEETLEFS: M'Lord, he could, because I have given him a few articles, M'Lord. But it is also possible, M'Lord, that I have given that indication because it was already in the article itself.

MNR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: Ja. Tell us, Lieutenant Woensdregt...  
[intervened]

10 COURT: Let me ask him.

MR MLOTSHWA: Sorry, M'Lord.

COURT: Did you tell, did you say to your psychiatrist, you deny that you are a notorious interrogator?

MR DEETLEFS: No, M'Lord. I did not say that to him.

COURT: And you did not dispute it?

MR DEETLEFS: No, M'Lord.

COURT: Okay. And it is in fact, the first time that you are denying it today, here in court?

MR DEETLEFS: I do not understand what I am denying,  
20 M'Lord.

COURT: That you are a notorious interrogator.

MR DEETLEFS: M'Lord, I am not disputing it. But it is possible that I was then labelled like that.

MR MLOTSHWA: You had some reputation. Is that not?

MNR DEETLEFS: I think so, M'Lord.



MR MLOTSHWA: You see, I will tell you what happened on that fateful afternoon of the 30<sup>th</sup> of January, Mr Deetlefs.

MR DEETLEFS: I am listening, M'Lord.

MR MLOTSHWA: You see, Lieutenant Whitehead had Mr Aggett, or Dr Aggett, for some two months and he was not achieving any success.

MNR DEETLEFS: M'Lord, I actually do not know. But if Lieutenant Whitehead did say so, then I would agree also.

MR MLOTSHWA: No. You said, yourself, said so yesterday.  
10 You said you achieved in six hours what Lieutenant could not achieve in two months.

COURT: In three months.

MR MLOTSHWA: Yes, M'Lord.

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: Ja. So he was under pressure to get results.

MR DEETLEFS: I believe so, M'Lord.

MR MLOTSHWA: Ja. He hashed a plan. Hy het 'n plan beraam.

20 MR DEETLEFS: If he had me in thoughts, M'Lord, as an interrogator, M'Lord, then I can say he had a plan.

MR MLOTSHWA: Yes. And he planned carefully that: I will use a Saturday evening, when no one is in the office.

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: Ja. And you said, that was the first time

that you saw Dr Aggett. Is it not?

MNR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: Ja. He then thought: I will use Mr Deetlefs, because Aggett does not know him.

MR DEETLEFS: I believe, M'Lord, he could have thought so.

MR MLOTSHWA: Ja. And that whatever complaint he will have, he will not know who did what to him on that fateful evening.

INTERPRETER: He would not know?

10 MR MLOTSHWA: You, you, that Dr Aggett would not know, who did what to him.

MR DEETLEFS: If I understand your question.

MR MLOTSHWA: Yes?

MR DEETLEFS: Doctor Neil Aggett would have known who has done what to him.

MR MLOTSHWA: No.

MNR DEETLEFS: U Edele, as ek net kan byvoeg? Maar...  
[intervened]

MR MLOTSHWA: Listen to the question, Sir.

20 MNR DEETLEFS: Ekskuus.

MR MLOTSHWA: Listen to the question. If you want to go home tonight, you better listen to the question and answer the questions only.

MNR DEETLEFS: Ek sal graag wil huis toe gaan vanaand, U Edele.

MR MLOTSHWA: Ja. I know I sound like a security branch officer now, but I am not.

MNR DEETLEFS: Yes.

INTERPRETER: M'Lord, I am not given a chance to interpret.

MR MLOTSHWA: I am sorry, Madam. I am sorry.

MR DEETLEFS: M'Lord, I do understand. But I do not know when counsel is finished with a question, because he keeps on going on.

10 MR MLOTSHWA: It is because you are not answering my questions, Sir. But be that as it may, laat ons aangaan.

COURT: Can I repeat the question to him? The question was that Neil, Dr Aggett would not know who did what to him, that is why you were called.

MR DEETLEFS: M'Lord, I do not understand the question so well.

MR MLOTSHWA: Okay. Let us start afresh. Dr Aggett did not know you?

MR DEETLEFS: That is correct, M'Lord.

20 MR MLOTSHWA: So he would not have been able, if you did not introduce, let us say you did not introduce yourself. Because you did not have nametags with you.

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: Ja. If you did not tell him your name, and you electrocuted him, he would not have known who did that

to him.

MNR DEETLEFS: Die kan ek baie moeilik antwoord, want ek glo hy sou geweet as ek hom enigsins ge-*electrocute* het.

INTERPRETER: M'Lord, this I can answer very easily, because he would have known that I am the one who electrocuted him.

MNR DEETLEFS: No.

INTERPRETER: He would not.

MNR DEETLEFS: Nee, ek het hom nie ge-*electrocute*.

10 INTERPRETER: Okay. M'Lord. The witness says, because I did not electrocute him

COURT: Ja. He would have known who did what to him. That is all.

MR DEETLEFS: I believe so, M'Lord.

MR MLOTSHWA: If you did not tell him his name, I am sorry. If you did not tell him your name, he would not have known who you are.

MR DEETLEFS: That is correct, M'Lord.

20 MR MLOTSHWA: Ja. And that is reflected in his statement that he made Sergeant Blom.

MR DEETLEFS: I accept it, M'Lord.

MR COETZEE: M'Lord, with great respect.

COURT: Sorry?

MR COETZEE: M'Lord, with great respect, he refers to an unknown black person, M'Lord.

COURT: And unknown black person?

MR COETZEE: Yes, M'Lord.

COURT: Who is that?

MR COETZEE: Doctor Whitehead, in his statement that he made to Ms Blom. He said it was a, it was Captain Whitehead, a sergeant, and an unknown black person.

COURT: I thought it is a statement made by Neil Aggett, to Sergeant Blom?

MR COETZEE: Yes.

10 COURT: The statement that Neil Aggett made to Sergeant Blom.

MR COETZEE: Yes.

COURT: He mentioned... [intervened]

MR COETZEE: Lieutenant Whitehead, a sergeant, and an unknown black person.

COURT: A sergeant?

MR COETZEE: Yes.

COURT: And an unknown black person?

MR COETZEE: Yes.

20 COURT: Who assaulted him?

MR COETZEE: Yes.

COURT: Okay.

MR MLOTSHWA: M'Lord, I have Dr Aggett's statement, which is B8.55, M'Lord.

COURT: Yes. So did you accept the statement? Let me

see. Your answer was, in his statement to Sergeant Blom, he mentioned that he does not know the person who assaulted him. Or what was the question, before you got to that.

MR MLOTSHWA: M'Lord?

COURT: You said you asked him a question, in his statement to Sergeant Blom.

MR MLOTSHWA: I said Sergeant Blom mentioned that he did not know who the officer was that was with Whitehead.

COURT: So Neil Aggett said that to Sergeant Blom?

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

COURT: In his statement to Sergeant Blom, Neil did not mention, he did not mention the name of the... [intervened]

MR MLOTSHWA: Deetlefs, yes.

COURT: Of Deetlefs.

MR MLOTSHWA: Ja.

COURT: He did not mention your name. And then your answer was, you accept it? Or what was it?

MR DEETLEFS: M'Lord, I do accept that, because he would have mentioned my name if I was involved.

20 COURT: If you what?

INTERPRETER: If I was involved.

MR MLOTSHWA: Ja. You see, I will read the statement for you that Doctor Neil Aggett made to Sergeant Blom. He says:

"I was kept awake since the morning 82/01/28 to  
82/01/30."

He says he was kept awake from the 28<sup>th</sup> of January 1982 until the morning of the 30<sup>th</sup> of January 1982. This period would involve you, Sir.

COURT: Sorry. How would it involve him?

MR MLOTSHWA: The period, M'Lord. His evidence is that on the 30<sup>th</sup>, he was asked by Whitehead to interrogate Aggett.

COURT: From 6pm?

MR MLOTSHWA: From 6pm, yes.

COURT: Ja.

10 MR MLOTSHWA: And his statement says, this statement says he was kept awake from the 28<sup>th</sup> until the morning of the 30<sup>th</sup> of January.

COURT: Ja.

MR MLOTSHWA: So it means, on the 30<sup>th</sup> of January, he was in his hands.

COURT: No, no. But I thought his evidence is that he saw him for the first time in the evening at 6pm.

MR MLOTSHWA: Of 30<sup>th</sup> January.

COURT: Of 30<sup>th</sup>?

20 MR MLOTSHWA: Yes. That is why is say... [intervened]

COURT: He had been kept awake until the 30<sup>th</sup> in the morning?

MR MLOTSHWA: Until the 30<sup>th</sup> morning, M'Lord.

COURT: Okay. So he was not there during the time when Neil Aggett was being kept awake?

MR MLOTSHWA: No.

COURT: Alright. It is fine.

MR MLOTSHWA: Thank you, M'Lord. You understand now?

MR DEETLEFS: M'Lord, I do understand. And if I can just give an answer to it?

MNR DEETLEFS: As dit Dokter Neil Aggett se verklaring was teenoor Sersant Blom.

INTERPRETER: If this is the statement of Doctor Neil Aggett against Sergeant Blom.

10 MNR DEETLEFS: Dan sal ek... [intervened]

COURT: It is not against Sergeant Blom. It is made to Sergeant Blom.

MR DEETLEFS: That is correct, M'Lord. M'Lord, in this court, it is the first time that I see this document. And I was not aware of the fact that he was kept awake for, I do not know how long.

MR MLOTSHWA: Ja. He says then, during the night of the 29<sup>th</sup> of January 82, Lieutenant Whitehead and another sergeant, security sergeant, whose name I do not know. And  
20 another black male, also a policeman was present.

MR DEETLEFS: M'Lord, I cannot dispute that. It is highly possible.

MR MLOTSHWA: Ja. Now that we are agreeing with this period now, I am now putting to you that Whitehead, seeing that he was not getting any success, he then called you on a



Saturday evening.

MR DEETLEFS: Yes, M'Lord. If that was what he had in mind, then it was a... what?

COURT: Smart.

MR VARNEY: Sleigh.

MR DEETLEFS: A sleigh way, M'Lord, of getting me there.

MR MLOTSHWA: That is right.

MNR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: And he then, with Woensdregt, because  
10 Neil Aggett knew him, if he was electrocuted by him, Dr  
Aggett, would have been able to identify him as his  
electrocutor. That is why he then called you to do that.

MR COETZEE: M'Lord, with great respect, I think we should  
just read the complete sentence in that passage, M'Lord.  
Because, what my learned colleague has read here, up to the  
place:

20 "Another black male and also a policeman were  
present, when Lieutenant Whitehead blindfolded  
me with a towel. They made me sit down, with my  
hands cuffed behind my back. I was shocked  
through the handcuffs."

In other words, it indicates that it was Lieutenant Whitehead  
that shocked him on the 29<sup>th</sup>.

COURT: Ja. Counsel, are you saying that, are you putting to  
him that he was present during that electrocution?

MR MLOTSHWA: M'Lord, he was blindfolded. Dr Aggett was blindfolded.

COURT: Okay?

MR MLOTSHWA: So from being blindfolded, he was handcuffed and all the instruments were put to him. And he would not know who electrocuted him, after he had been blindfolded, M'Lord.

COURT: On the 29<sup>th</sup>?

MR MLOTSHWA: On the 29<sup>th</sup>, M'Lord.

10 COURT: Okay. So what you are putting to him that, in fact, he was not there on the 30<sup>th</sup>, but on the 29<sup>th</sup>?

MR MLOTSHWA: M'Lord, what I am saying is that on the, it might have, these things might have been done on the 29<sup>th</sup>.

COURT: Okay?

MR MLOTSHWA: Ja. I do not dispute that, M'Lord.

COURT: Alright.

MR MLOTSHWA: But what I am saying, M'Lord, is that, according to my opinion, on the 30<sup>th</sup> he was called in to electrocute Dr Aggett.

20 COURT: On the 30<sup>th</sup>?

MR MLOTSHWA: Yes, M'Lord.

COURT: Not on the 29<sup>th</sup>?

MR MLOTSHWA: Not on the 29<sup>th</sup>, M'Lord. I agree with the statement as it is, M'Lord.

COURT: Okay. So your question was that he, meaning

Whitehead, together with Woensdag... [intervened]

MR MLOTSHWA: Woensdregt

COURT: Woensdregt, sorry.

MR MLOTSHWA: Yes.

COURT: Woensdregt, blindfolded him and electrocuted him.

Blindfolded him?

MR MLOTSHWA: No, M'Lord. I am saying they left him with this witness.

COURT: Oh.

10 MR MLOTSHWA: Yes.

COURT: They left Neil with you.

MR MLOTSHWA: Yes.

COURT: After blindfolding him? After blindfolding him?

MR MLOTSHWA: Well, M'Lord, I am not putting it to him, but I am putting it as a possibly.

COURT: Okay.

MR MLOTSHWA: Yes.

COURT: Alright. Let us hear your response to that? It is put to you, Sir, that because the investigating officer,  
20 Lieutenant Whitehead, was not making any headway with this interrogation, he called you and left you with Neil.

MR DEETLEFS: And I am repeating my answer again, M'Lord. M'Lord, if that was in his thoughts, then I am saying it was a sly... that it was very sly of him to call me or to use me.

INTERPRETER: Witness said *om vir my te gebruik*, M'Lord.  
To use me.

COURT: Ja.

MR DEETLEFS: And M'Lord, if I can just add? M'Lord, I do not know if this is relevant, but Dr Neil Aggett, M'Lord, is referring to the 29<sup>th</sup>, which I was not working, M'Lord, and he is also referring to a sergeant, which I am not. And also he is talking about a black male security, which I am not.

COURT: Ja.

10 MR MLOTSHWA: And you, yourself, has made mistakes about dates, Sir. Is that correct?

MR DEETLEFS: M'Lord, that is correct, M'Lord, because I, myself, also do mistakes, M'Lord. And that is why I have done mistakes with the dates, I though Dr Aggett hanged himself on the 1<sup>st</sup> of February and not on the 4<sup>th</sup> or 5<sup>th</sup> of February.

MR MLOTSHWA: Ja. And you want us to accept your mistake as genuine?

MR DEETLEFS: That is absolutely correct, M'Lord.

20 MR MLOTSHWA: And we can do the same with Dr Aggett as well.

MR COETZEE: With all respect, I must object to this. How do we know this, M'Lord? Where do we get that Dr Aggett made a mistake? He did not say: I made a mistake. He did not say: I am clear about the dates. For counsel to put that

submission to the witness, it is not based in fact. And we cannot base cross-examination on opinions. If he wants to accuse this witness of something, it must be based in fact. Not on submission of opinion and what we speculate about. This witness says: I was not there on the 29<sup>th</sup>. I was there on the 30<sup>th</sup>. The statement of Dr Aggett says he assaulted and tortured on the 29<sup>th</sup>. There is no reason to doubt Dr Aggett's statement.

MR MLOTSHWA: Okay.

10 MR COETZEE: We cannot cross-examine him on that, M'Lord.

MR MLOTSHWA: M'Lord, it is simple. This witness says his mistakes about dates must be excused. Then I am asking a simple question, cannot we excuse mistakes made by another person? Let us leave Dr Aggett out of this. Can we not?

MR DEETLEFS: We can. Indeed so, M'Lord.

MR MLOTSHWA: Ja.

COURT: Alright.

MR MLOTSHWA: And I am then putting it to you that, you  
20 were left alone to deal with Dr Aggett on that night in question, the way you saw fit.

MR DEETLEFS: That is correct, M'Lord. And if I can also say, that was the biggest session or the biggest part, M'Lord, of the interrogation, because Lieutenant Whitehead and Woensdregt, M'Lord, were there for a very short period of

time.

MR MLOTSHWA: Ja.

MNR DEETLEFS: Dit is korrek, U Edele.

MR MLOTSHWA: You see, we have witnesses here who were caught detainees with Dr Aggett, who told us that, during that week leading to his death, Dr Aggett was under tremendous stress.

MR DEETLEFS: Yes, M'Lord. I have also mentioned, M'Lord, in my evidence that the morning of the 1<sup>st</sup> of February  
10 1982, M'Lord, Dr Aggett was very down, M'Lord.

MR MLOTSHWA: And the witnesses also said that he could hardly walk.

MNR DEETLEFS: Dit was nie gedurende die tyd wat ek hom ondervra het op die 30ste nie, of selfs glad nie. Alhoewel, ek kan net sê hy het op 'n stoel gesit op die 1ste Februarie, toe Luitenant Whitehead aan hom vrae gestel het. En ek dra nie kennis of hy kon loop of nie loop nie.

INTERPRETER: M'Lord, that was not the issue when I saw him, M'Lord, on the 30<sup>th</sup>. And again, M'Lord, at the time when  
20 Lieutenant Whitehead interrogated him, it was on the 1<sup>st</sup> of February, he was seated on a chair.

MR MLOTSHWA: Yes. And, Sir, if we accept this statement by Dr Aggett as the correct one, he does not mention in this statement that thereafter, he was electrocuted again.

MR DEETLEFS: Yes, M'Lord. On no basis can I say this

statement is not correct.

MR MLOTSHWA: So if we accept this statement with the dates that it has, then it means, at the time you interrogated him, he was already under stress because he had already been electrocuted?

MR DEETLEFS: M'Lord, I answer by saying it is correct, even though I do not have any knowledge of that.

MR MLOTSHWA: And, Sir, did you phone or advise Whitehead, before he came in, that you have now achieved  
10 success?

TOLK: Het u vir Whitehead geskakel, om vir Whitehead, telefonies geskakel om vir Whitehead te sê dat u nou iets uit hom uit, dat u uit gekry het, dat u suksesvol was?

MR DEETLEFS: M'Lord, no. Because during that stage, during that time, M'Lord, there were no cell phones. Cell phones only started in the year 1995... [intervened]

COURT: 1995?

INTERPRETER: Yes, M'Lord. Witness said 1995.

COURT: Hmm?

20 MR DEETLEFS: Cell phones were only there in the year 1995, M'Lord. At that stage, we only used Telkom phones, M'Lord. So I was not going to be able to call him anywhere.

MR MLOTSHWA: Ja. So it was just a coincidence that he came, after you achieved success?

MR DEETLEFS: That is correct, M'Lord.

MR MLOTSHWA: What a coincidence. And tell us, you told us yesterday, that you know Van Niekerk. He was at one stage your superior.

MR DEETLEFS: That is correct, M'Lord. For that whole period, M'Lord, whilst I was at the security branch, he was my senior.

MR MLOTSHWA: Ja. And is it correct that himself and Hendrik Mostert, Charles Zeelie, Jacobus Engelbrecht, apply for amnesty for the killing of Stanza Bopape?

10 INTERPRETER: Can you please just repeat that?

MR MLOTSHWA: Adriaan Van Niekerk.

INTERPRETER: Hendrik Mostert?

MR MLOTSHWA: Ja. Charles Zeelie.

INTERPRETER: Charles Zeelie. Adriaan?

MR MLOTSHWA: Van Niekerk.

INTERPRETER: Adriaan Van Niekerk.

MR MLOTSHWA: Jakobus Engelbrecht.

INTERPRETER: Jakobus Engelbrecht.

MR MLOTSHWA: Applied for amnesty for killing Stanza  
20 Bopape.

MR DEETLEFS: M'Lord, during that time I was in London. Then when I came back, I learned from Lieutenant Van Niekerk that they electrocuted Stanza Bopape, and that also, Stanza Bopape has died.

MR MLOTSHWA: Died as a result of electrocution?



MR DEETLEFS: That is correct, M'Lord. And that is what I can remember.

MR MLOTSHWA: And that was at John Vorster Square?

MR DEETLEFS: M'Lord, if my memory serves me correct, I could be wrong, M'Lord, but if my memory serves me correct, it was not at John Voster Square, but it was said he was taken out and it happened somewhere else.

MR MLOTSHWA: Ja. I am telling you it was at John Vorster Square, on the 10<sup>th</sup> floor, Sir. They took him out after death.

10 MR DEETLEFS: M'Lord, it could be like that. I cannot dispute that.

COURT: So when did Adriaan tell you this?

MR DEETLEFS: M'Lord, he was my senior and we were also friends at home, M'Lord. And somewhere somehow, M'Lord, he told me this. He told me this when I was back from London.

COURT: I do not know when you went to London. Please, I just want to know the year. When was it when he told you this?

20 MR DEETLEFS: M'Lord, honestly I cannot say. I cannot remember when it was. M'Lord, farfetched, M'Lord, I can say that it could have happened in the year 1988. But, M'Lord, I can be wrong as well.

MR MLOTSHWA: No, you are not wrong. You are right. It was in 1988. And is it correct that you were working with all

these people that are mentioned, on the 10<sup>th</sup> floor?

MR DEETLEFS: M'Lord, I am not going to dispute it, but I remember Van Niekerk, Lieutenant Van Niekerk. But, M'Lord, all the other names, M'Lord, I could not hear the names which was called or named by Counsel.

MR MLOTSHWA: Hendrik Mostert?

MR DEETLEFS: I used to call him Mossie. I know him. That is true, M'Lord.

MR MLOTSHWA: Charles Zeelie?

10 COURT: Cilliers. C-i-l-l-i-e-r-s.

MR MLOTSHWA: Z-e-e-l-i-e.

MR VARNEY: Zeelie.

MR MLOTSHWA: Zeelie.

COURT: Oh, Zeelie? Ja.

MR DEETLEFS: Yes, M'Lord. Zeelie, I know very well, M'Lord. We used to work together.

MR MLOTSHWA: Ja. Johan Jacobus Engelbrecht?

MR DEETLEFS: Yes, M'Lord. There was a younger person whose surname was Engelbrecht, who used to work with me.

20 If that is him, then he was a very good friend of mine as well.

MR MLOTSHWA: Ja. Then after Stanza died, they phoned Paul Erasmus, to ask him how to deal with this crisis.

MR DEETLEFS: I find it very interesting, M'Lord, that they could really contact Paul Erasmus. I do not see how he could have helped them. And the information that I got, and all my

friends that I used to work with, and my friend were angry at Mr Du Preez. We used to call him Duppie. Because he could not live with that, M'Lord, and then he then escalated it to seniors.

And the reason why I say, or the fact why I said he could not live with it, the only assumption that I can make out of that, is that he was also involved during the electric shocking. M'Lord, this is how I interpret it. I could be wrong.

MR MLOTSHWA: No, no. You are quite right, Sir. I am  
10 sorry. I left out the name of Johan Du Preez. It is here. And then Paul, then devised a plan for them.

MNR DEETLEFS: Ja, U Edele... [intervened]

MR MLOTSHWA: Listen to the plan. Paul told them to make as if they were taking Bopape to Vereeniging police station, and Bopape escaped en route to Vereeniging.

MR DEETLEFS: Can I answer now?

MR MLOTSHWA: Yes, you may.

MR DEETLEFS: Yes, M'Lord. I thought, M'Lord, that he died on another place. And it was also said that he tried, he  
20 attempted, M'Lord, to escape, but he did not escape. M'Lord, that was the story that they made up.

MR MLOTSHWA: Ja. That he tried to escape. That he escaped, in fact.

MR DEETLEFS: It could be, M'Lord.

MR MLOTSHWA: Ja. And they then took his body and gave

it to police in Mpumalanga.

MR DEETLEFS: That is correct, M'Lord. That is also what I have heard.

MR MLOTSHWA: Ja. To make the body disappear.

MR DEETLEFS: Yes, M'Lord. I can add to that, because there can be many stories to be added. That is body was indeed taken to Mpumalanga. I am speaking under correction, M'Lord, but I think his body was detonated.

MR COETZEE: Blown up.

10 MR DEETLEFS: Blown up, M'Lord. And further, M'Lord, he was then thrown into a river, M'Lord, where the crocodiles ate him up. This is what I can remember, M'Lord. And this was their story that they have made up.

MR MLOTSHWA: Ja. This is to show the extent on which you, the security branch police officers, could go to make cover-ups of the things that you did there at the 10<sup>th</sup> floor.

MR DEETLEFS: Yes, M'Lord. I can believe that, M'Lord. But I can say that I was never involved in any of such things.

MR MLOTSHWA: You see, the extent to which this thing  
20 went up, even the retired Commissioner of Police, Johan Van der Merwe, was involved. And he applied for amnesty.

COURT: Who was it?

MR MLOTSHWA: Johan Van der Merwe.

COURT: Was he also accused of the Stanza Bopape murder?

MR MLOTSHWA: That is right, M'Lord. He applied for

amnesty, for the cover-up.

MR DEETLEFS: Then it looks like Paul Erasmus had nothing to do with this story, M'Lord. It looks like it was General Johan Van der Merwe.

MR MLOTSHWA: Hm, but it does not end there sir.

TOLK: Maar dit eindig nie daar nie, meneer.

MR MLOTSHWA: Brigadier Schalk Visser and Captain Leon van Loggerenberg.

MR DEETLEFS: Yes, M'Lord. I know both of them and I  
10 think they were stationed at Middelburg.

COURT: Hm.

MR DEETLEFS: Or Nelspruit. I am not sure or certain about the place.

COURT: Ja.

MR DEETLEFS: I bear no knowledge so well M'Lord, but know they were involved with the making up of that story that they were involved in with the explosion of that body of Bopape.

COURT: Ja. Tell me, I just want to remind myself. Paul  
20 Erasmus, you say Paul Erasmus gave them a story, to say that Stan\`a was trying to escape?

TOLK: Ek verstaan dit nie so mooi nie ...[tussenbeide]

COURT: No it is not... No I think it is counsel.

MR MLOTSHWA: Sorry, M'Lord.

COURT: His story is that ... sorry, Du Preez told him that

Stanza was electrocuted at some place, not at John Vorster.  
Is that what the expression is?

MR MLOTSHWA: That is what he is saying, M'Lord. That according to what he heard.

COURT: And that was in 1989?

MR MLOTSHWA: In 1988.

COURT: 88.

MR MLOTSHWA: Yes, M'Lord.

COURT: What I want to know is when he told you that, did  
10 you then report it?

MR DEETLEFS: Who said what to me, M'Lord?

COURT: The story that Du Preez told you, that Stanza Bopape was electrocuted, did you report it?

MR COETZEE: M'Lord, it was Van Niekerk that told him.  
Sorry. It is Van Niekerk that told him.

COURT: Hm.

MNR DEETLEFS: Dit is reg.

COURT: Is it Van Niekerk?

MR COETZEE: Yes, M'Lord.

20 INTERPRETER: The witness is saying that is correct,  
Lieutenant Van Niekerk M'Lord.

COURT: Oh. So is it understand that Sergeant Du Preez could not accept it and he reported it to the seniors, and ...  
Okay.

MR MLOTSHWA: Ja.

COURT: So it is Van Niekerk who told you that in 1988... I still want to know, if did you report it, and if not, why did you not report it?

MR DEETLEFS: M'Lord, as far as I know there was no need for me to report it, because at that stage they had already consulted people M'Lord. And I was under the impression that they had already prepared their statements, M'Lord for the Truth Commission.

COURT: No, no, no. The Truth Commission was not there  
10 in 1989.

INTERPRETER: 88.

MR MLOTSHWA: 88.

COURT: In 88, it was not yet there.

MNR DEETLEFS: That is correct M'Lord.

COURT: Yes. That is what I want to know. Your senior Van Niekerk tells you that Stanza Bopape was electrocuted by so and so and so and so. Du Preez came to know about it and he reported to seniors, and what did you do?

MNR DEETLEFS: M'Lord, I did not do anything about it,  
20 because Du Preez had already escalated it to the seniors, M'Lord, and he could have reported it to any senior, M'Lord. But the fact of the matter M'Lord, that at the end of it, it had to come out to Commissioner Johan van der Merwe and then the witness also said, as dit nie uitkom by Johan van der Merwe nie, ... if it did not come out to the commissioner who

was Johan Van der Merwe, and it could have come out to any senior commissioner who ... and the witness also says M'Lord, that he could have confided it to any higher senior.

COURT: Okay. I just want to clarify just one more thing.

MR MLOTSHWA: Yes, M'Lord.

COURT: If my memory serves me well, the version of the police at that time, was that whilst they were taking - and this is from memory from newspapers.

MR MLOTSHWA: Yes, M'Lord.

10 COURT: If I recall - if I am wrong, then please correct me - that whilst they were on their way to Vereeniging, they had a puncture, and whilst they were trying to change the tyre, Stanza Bopape jumped out of the police van and he ran into the... and ran away, and he disappeared. They do not know what happened to him.

Now you say, you know that actually the body was taken to Mpumalanga where it was blown up. I just wanted the two. And the question was always, how could he have jumped out of a police van having been man-hackled and ran  
20 away and outrun them. But you say it was in the dark. Is that... did you remember whether that version was ever put to you?

MNR DEETLEFS: No, My Lord.

COURT: Okay.

MNR DEETLEFS: I do not know that version M'Lord.



MR MLOTSHWA: Yes.

COURT: Well as I say, I think it was something that I may have read from the newspaper reports, I do not know whether that version is ...

MR MLOTSHWA: Yes. As the Court pleases, Your Worship. That is in fact the application in the TRC that Truth and Reconciliation Commission.

COURT: They confirm that is what they told the public?

MR MLOTSHWA: That is correct M'Lord.

10 COURT: Yes, thank you.

MR MLOTSHWA: Yes.

COURT: That is what they had told the public, that Stanza Bopape jumped out of the police van and he ran into the dark and they could not find him. That is which the body has not been found up to now.

MR DEETLEFS: Yes, M'Lord. That was the story which they made up, M'Lord. I did not hear that M'Lord, but that was the story that they had made up.

COURT: Okay.

20 MR MLOTSHWA: Ja. But this did not only go to Van der Merwe who was the Commissioner of the Police, but Generals as well, were involved. General Gerrit Erasmus and Petrus Du Toit.

MR DEETLEFS: Yes, M'Lord, at that stage General Gerrit Erasmus was the Security Branch, he was the security branch

commander in Johannesburg, M'Lord.

COURT: Okay.

MR DEETLEFS: And General Piet Du Toit M'Lord, who has now passed away, he was second commander M'Lord, of the Security Branch.

MR MLOTSHWA: Ja. You see Mr Deetlefs, what I am trying to illustrate here, is statement if you could go to this extent to cover up the death of Stanza Bopape, the killing and hanging of a body of Dr Aggett in the cells, is a child's play.

10 MR DEETLEFS: Yes, M'Lord. It was very possible M'Lord, but I want to say that I was not involved in any of this.

COURT: Nothing?

MR DEETLEFS: Nothing to do with Dr Neil Aggett M'Lord.

MR MLOTSHWA: When you say you did nothing, you did nothing about anything about anybody?

MR DEETLEFS: No, My Lady. But I have already testified that I have assaulted Barbara Hogan, M'Lord by slapping her, on her right cheek.

MR MLOTSHWA: Ja.

20 MR DEETLEFS: And M'Lord, I also did testify that I had also called Frank Chikane, the 'k' reverant.

MR MLOTSHWA: Ja.

MR DEETLEFS: And that is what I can testify, so far, about the assaults M'Lord, to the detainees.

MR MLOTSHWA: Ja. And you see the Security Branch

officers did not stop there. They tried the same stand they did in the Aggett matter. They went to the clinics in Mamelodi where Stanza came from, to ascertain, to try and obtain evidence that he had heart problems.

MR DEETLEFS: M'Lord, I do not dispute that, they could have done many more other things M'Lord, I bear no knowledge.

MR MLOTSHWA: Ja. And ...[intervened]

COURT: To cover up.

10 MR DEETLEFS: That is correct M'Lord.

MR MLOTSHWA: Ja, and at the clinic in the Princess Clinic in Mamelodi, they found that he had been there but it was for sinuses.

MR DEETLEFS: M'Lord, yes I am standing on saying M'Lord that I bear no knowledge, they could have said anything.

MR MLOTSHWA: You see, this stance by your branch, started in fact in the Timol, in a matter. As you said here, you treated Dr Aggett well, in the Timol matter it was also testified that he was treated well.

20 MR DEETLEFS: M'Lord, I bear no knowledge M'Lord, of that matter, I think that it transpired in the year 1971. M'Lord, I do not know, if he was treated well, or I do not know, but what is surprising to me, there he is dead.

MR MLOTSHWA: Ja, and like Timol, Dr Aggett suddenly jumped up, regretted to having betrayed his friend.

MR DEETLEFS: Yes M'Lord, it is like that.

MR MLOTSHWA: Ja. Did you have a tea, with Dr Aggett?

MR DEETLEFS: Of my memory serves me correct, M'Lord, yes, I did have tea with him, and my wife M'Lord would always put sandwiches for me and I would have offered to him M'Lord. I do not know M'Lord, if he had eaten it.

MR MLOTSHWA: Ja, and interestingly enough, the officer that sat with Ahmed Timol before he jumped, he had tea with him as well.

10 MR DEETLEFS: M'Lord, I bear no knowledge of what happened in that matter, M'Lord. If he had tea, I do not know.

COURT: And it was fine.

MR MLOTSHWA: Ja.

HOF: Dit was gaaf.

MR MLOTSHWA: Thanks. Thanks. And Sir, in the two previous Court appearances where you lied, the Court relied on your word. Is that correct?

MR DEETLEFS: Yes, M'Lord. If counsel is referring to the first inquest M'Lord, and also the second one where I was  
20 charged with assault, where I also lied in court, yes.

COURT: Ja, the question is the Court relied on your lies. Accepted your version as being the truth.

MR DEETLEFS: Yes, indeed so, M'Lord.

MR MLOTSHWA: Ja. And you want this Court to also rely on your word, in this Court now.

MR DEETLEFS: Yes, indeed so, M'Lord. I am not a healthy person. And I have repented also M'Lord. And I will feel very guilty, if I can lie now. And I can guarantee this Court that I have never ever said any lies in this Court.

MR MLOTSHWA: Ja. Mr Deetlefs I can assure you that the NPA is considering charging you, but most definitely will be charged of torturing Barbara Hogan. You can expect that.

MR DEETLEFS: M'Lord, if they want to charge me, if they want to do that, M'Lord, they are welcome, but I have spoken  
10 all the truth in this Court and I will also testify the truth to them.

MR MLOTSHWA: Ja. You will this time plead guilty, Sir?

MR COETZEE: M'Lord, this is not... I do not think that is fair M'Lord.

MR MLOTSHWA: I am leaving it there, M'Lord.

COURT: Yes. Ja.

MR MLOTSHWA: I am leaving it.

COURT: Ja, because... Ja.

MR MLOTSHWA: Thank you.

20 COURT: Ja.

MR MLOTSHWA: I am satisfied that he will tell the truth M'Lord.

COURT: Ja. Are you done?

MR MLOTSHWA: I am done, M'Lord. Thank you.

COURT: Just put it so that is the end of your cross-

examination.

MR MLOTSHWA: Thank you, so much M'Lord. I am done with this witness, M'Lord, I have got no further questions.

COURT: Before we go to re-examination, do you have questions?

MR SINGH: M'Lord, no questions M'Lord.

COURT: Your re-examination? Can you do it after tea, or?

MR COETZEE: M'Lord, we can do it after tea, M'Lord.

COURT: Okay. Yes. Let us take a 15 minutes tea break?

10 COURT ADJOURNS [11:14]

COURT RESUMES [11:33]

COURT: Thank you. Adv Coetzee.

MR COETZEE: Thank you, My Lord. There is just one issue I need to clear up, My Lord.

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

RE-EXAMINATION BY MR COETZEE: Mnr Deetlefs, tydens die inspeksie in *loco* wat deur die Hof gevoer was het ek opgemerk dat daar kameras in die selle op die tweede vloer  
10 was.

INTERPRETER: During the inspection in *loco* which this Court did, I have noticed on the second floor that there was a camera inside a cell.

MNR COETZEE: As u, as u kyk daarna, BEWYSSTUK G39 foto 16.

INTERPRETER: If you look at...

COURT: G, G39.

INTERPRETER: G...

COURT: Is it G30...?

20 MR COETZEE: G39, G39. G39, it is the exhibit. It is the...

INTERPRETER: Exhibit, if you look at the EXHIBIT G39 on page 16.

MR COETZEE: 16.

INTERPRETER: Yes, we are on page 16.

MNR COETZER: Op die foto daar teen die dak kan mens sien

daar is 'n kamera.

INTERPRETER: Can you see, on the photo, can you see on the roof there is a camera?

MNR COETZER: Nee, dit is die plafon seker nou wat jy daar...

MNR DEETLEFS: Ja, die, die, wat ek nou hier sien is met 'n rooi pen omsirkel en, en dit mag dan die kamera wees waarna die advokaat verwys, U Edele.

INTERPRETER: My Lord, yes, when I look at this picture  
10 there is circled with a red pen that where the camera is depicted on the photo, My Lord.

COURT: Yes.

TOLK: Met 'n rooi pen omsirkel.

MNR COETZER: Dankie. Weet u wanneer die kameras geïnstalleer is?

INTERPRETER: Do you know when were these cameras installed?

MNR DEETLEFS: U Edele, die enigste waarvan ek kennis dra en ek weet nie wanneer hierdie geïnstalleer is nie maar in  
20 1985 toe ek Pastoors[?] ondervra het was daar in haar sel gewees, ek weet nie of dit die enigste vroue sel was nie maar daar was nie in die mans-selle nie maar daar was wel in haar sel.

INTERPRETER: My Lord, in, I, I do not... I cannot remember when this camera was installed but in the year 1985 when I



was interrogating Pastoors there was a camera inside her cell, that is the female section, My Lord, and I... En u sê daar was nie kamera's in die mans, mans-selle nie?

MNR DEETLEFS: Hmm.

INTERPRETER: And, My Lord, there were no cameras in the male cells.

MNR COETZER: Selle.

MNR DEETLEFS: Dit is korrek, U Edele.

INTERPRETER: That is correct, My Lord.

10 MNR COETZEE: Ek het nie verdere vrae nie, dankie.

COURT: Counsel for... [Indistinct – 11:36] do not have questions. Okay. I just want to ask a few questions.

QUESTIONS BY THE COURT: Mr Deetlefs, on, on the Saturday the 30<sup>th</sup> of September, sorry, January 1982, you consulted or interrogated Dr Aggett for between five and six hours.

INTERPRETER: Mnr Deetlefs, op, op 'n Saterdag, die was die 30<sup>ste</sup> van Januarie 1982, u het vir Dr Aggett navraag tussen vyf to ses ure.

20 MNR DEETLEFS: Dit is korrek, U Edele.

MR DEETLEFS: That is correct, My Lord.

COURT: And in that five hours all he told you which was relevant to your investigation is that Jan Theron was a underground leader of union activities.

TOLK: En in daardie vyf of ses ure nou, al wat u uit hom kon

kry vir u se ondersoek was dat Theron 'n ondergrondse leier was, 'n ondergrondse leier was vir die...

MNR DEETLEFS: SACTU.

MR COETZEE: Vakbond.

TOLK: Vir die vakbond.

MNR DEETLEFS: Ek sal nie sê dit is al wat ek kon kry nie, U Edele, maar dit het vir my baie duidelik uitgestaan dat dit 'n groot, volgens my, bekentenis was want ek was onbewus van die feit, ek het nie vakbonde geken nie en ek het nie geweet of  
10 SACTU 'n, 'n verbode organisasie was of nie maar hy was wel ondergronds bedryf.

INTERPRETER: My Lord, that was not just all, My Lord, but it was something very huge, My Lord, that I, I, I got out of him and I also did not know that SACTU... U sê u het ook nie geweet dat SACTU...?

MNR DEETLEFS: Nie 'n ondergrondse beweging was nie.

INTERPRETER: And I also did not know that SACTU was not a underground movement, My Lord.

COURT: Was not or was?

20 TOLK: Was nie, of was?

MNR DEETLEFS: Nee, nee, ek was nie bewus dat SACTU nie as 'n ondergrondse organisasie verklaar was nie. Ek was onder die indruk dat SACTU ook 'n verbode organisasie was.

TOLK: Dat SACTU ook 'n... I was convinced that SACTU was also a banned organisation, My Lord. I did not know that

SACTU was also... U sê u het nie geweet dat SACTU 'n onder, was nie 'n ondergrondse organisasie was nie. Ek wil dit net mooi kry, ek kan nie mooi hoor wat u sê nie.

MNR DEETLEFS: Ja, ja. Wat ek eintlik sê, om dit dan korter te stel; ek was onder die indruk dat SACTU 'n verbode organisasie was soos die ANC en baie ander.

INTERPRETER: My Lord, I was under the impression that SACTU was a banned organisation like ANC and all the others, My Lord.

10 MNR DEETLEFS: Dit is korrek, U Edele.

COURT: Okay, tell me, what, what exactly in, what information did you want from Dr Aggett? What did you want from him?

TOLK: Watter informasie het u gesoek van Dr Aggett af?

COURT: You, you had no background about union activities – exactly what was it that you wanted to find out from him that took you six hours.

TOLK: U het, u het nie agtergrond gehad van, van hierdie organisasie, wat is dit wat u ses ure geneem het, wat is dit wat  
20 u gesoek het uit Dr Aggett uit?

MNR DEETLEFS: U Edele, daar was niks spesifiek wat ek uit hom uit wou kry nie behalwe... [Tussenbei]

INTERPRETER: My Lord, there was nothing specific that I wanted out of him except for... Behalwe?

MNR DEETLEFS: Ek het hom nie noodwendig ondervra nie,

hy het uit sy eie uit gepraat, U Edele.

INTERPRETER: My Lord, I did not even actually interrogated him. He, he spoke out of his own, My Lord.

MNR DEETLEFS: En, U Edele, hy sou orginasyes of vakbonde en persone se name genoem het...

INTERPRETER: He would call, My Lord, organisations and also unions' names, My Lord.

MNR DEETLEFS: En ook, U Edele, dat hulle hoofdoel was onder andere om die land se ekonomie lam te lê.

10 INTERPRETER: And also their main purpose, My Lord, was to bring the economy of the country down.

MNR DEETLEFS: Wat ek miskien dalk as 'n leek beskou het, dat dit 'n vorm van hoogverraad kon gewees het.

INTERPRETER: What I then considered, My Lord, as a lid [*sic*], I considered it as...

MNR DEETLEFS: Hoogverraad. Treason.

COURT: Treason. High treason.

INTERPRETER: The high, high treason, My Lord.

COURT: So you did not want anything from him?

20 TOLK: So u het niks van hom af gesoek nie?

MNR DEETLEFS: Nee, U Edele, want ek het nie geweet wat, wat hy my kan vertel want ek het die vakbonde nie geken nie.

INTERPRETER: No, My Lord, because I did not know what he could tell me because I did not know the unions.

COURT: So why did you not just leave him and go, go back

home?

TOLK: Nou hoekom het jy hom nie net gelos nie en terug huietoe gegaan nie?

COURT: Instead of spending, spending six hours with him?

TOLK: Sonder om nou agt, ses ure met hom te gespandeer.

MNR DEETLEFS: [Geen hoorbare antwoord]

TOLK: Die vraag is, u het die vraag gehoor? Die Hof sê, hoekom het u hom nie net gelos en terug huietoe gegaan nie? Hoekom moes u dan nou ses ure saam met hom gespandeer  
10 het?

MNR DEETLEFS: U Edele, ek sal dit so stel, kom ek sê ons het maklik so vir 'n, maklik in die omgewing van twee ure 'n gemaklike gesprek oor agtergrond en, sy agtergrond, en so aan bespreek... [Tussenbei]

INTERPRETER: Let me put it this way, we had a comfortable two hours, My Lord, of just our backgrounds, My Lord. We were... *Dit was the conversation we had.*

MNR DEETLEFS: Ja, en toe het hy vir my gesê toe ons nou meer ernstig raak oor die werksafdeling van, van, of kan ek sê  
20 dit waarmee hy bedrywig was saam met... [Tussenbei]

INTERPRETER: When we then started getting more serious, My Lord, I can say about the job now or I can say now with what he was busy with or involved with, My Lord...

MNR DEETLEFS: En buiten wat hy my mondelings vertel het, het hy toe daarna dit op skrif gestel en dit kon 'n verdere

maklike vier ure, indien nie meer, geneem het om, om dit af te lê nie.

INTERPRETER: And then, he then started, My Lord, for two hours telling me verbally and the other four hours, My Lord, he then wrote it down.

COURT: Ja, I still do not understand if you did not want to know anything from him, why waste so much time just knowing about his history and all those things. What is it that you actually wanted?

10 TOLK: Luister mooi wat die Hof vra, die Hof sê die Hof verstaan nog steeds nie, die Hof wil weet om u sê u het niks van hom af ge-verwag nie, omdat u niks gesoek het van hom af nie, hoekom het u nie net vir hom gelos nie want u ken mos nou niks van die agtergrond... [Intervened]

COURT: This is, this is not what you were asked. I do not know what... You were not asked, you were asked to interrogate him and you say you did not want anything from him and you still spent six hours with him.

20 TOLK: Luister nou mooi, u was gevra om hom te navraag, nè, en u sê u het niks van hom af gesoek nie maar nog steeds het u ses ure saam met hom gespandeer.

MNR DEETLEFS: Ja, [tussenbei]

TOLK: Die Hof wil weet.

MNR DEETLEFS: U Edele, dit is nie werklik 'n geval dat ek nie niks van hom wou weet nie maar... [Intervened]

INTERPRETER: My Lord, it is not to say that I did not want anything from him but...

MNR DEETLEFS: Maar hy het aan my misdrywe meegedeel...  
[Tussenbei]

INTERPRETER: He, My Lord, told me about crimes...

MNR DEETLEFS: En dit het my aandag geprikkel.

INTERPRETER: And that, My Lord, drew my attention.

MNR DEETLEFS: En dit het my dan verder toegelaat dat ek hom verder ondervra het en hy het dan ook sy verklaring  
10 geskryf het, U Edele.

INTERPRETER: And, and that allowed me, My Lord, to interrogate him further and he gave me answers.

COURT: *Ja*, you see, you interrogate, he gives you a story, tells you about what other people did. He does not say that I am planning to overthrow the government; I am planning to cause rioting. He says Theron and other people. So you are satisfied, he must go. Why did you not let him go?

TOLK: Luister nou wat die Hof sê, die Hof sê waar dit nou, u ondervraag [*sic*] hom, hy praat nie van hom nie, hy praat van  
20 wat ander mense se bedrywighede was. Hy praat van wat Theron, hy wil doen. Hy sê nie ek wil die doen aan die staat, ek wil *riots* begin. Ek wil... Hy praat van ander mense maar nie van homself nie.

MNR DEETLEFS: Nee, u... [Tussenbei]

TOLK: Nou hoekom het jy hom nie net gemaak laat hy gaan

nie.

MNR DEETLEFS: Nee, U Edele. Hy het homself ook betrek saam met Jan Theron... [Tussenbei]

INTERPRETER: No, My Lord... [Speaking simultaneously]

MNR DEETLEFS: Dat dit hulle doelwit was om dit te bereik.

INTERPRETER: No, My Lord, he also involved himself with Theron that it was their purpose...

MNR DEETLEFS: Om dit te kan doen.

TOLK: Om op... [Tussenbei] t

10 COURT: He, he and Theron, their purpose?

INTERPRETER: It was their purpose, My Lord, to execute that. Hy en Theron.

MNR DEETLEFS: Hy en Theron en sowel as ander.

INTERPRETER: Him, Theron, and also others.

COURT: To do what?

TOLK: Om wat te doen?

MNR DEETLEFS: Om stakings in die land sover as hulle kan, kon veroorsaak...

INTERPRETER: To start riots in the country, My Lord.

20 MNR DEETLEFS: Sodat dit sou uitkring en dan op so 'n wyse ons land se ekonomie kon verlam het, U Edele, sodat daar nie, nie werkzaamhede in die land was nie.

INTERPRETER: And also for that, My Lord, all those riots would then turn to bring down the country's economy, My Lord, so that there is no... Wat sê u, u werk saam?



MNR DEETLEFS: Ja, dat die land tot stilstand gekom het...

[Tussenbei]

INTERPRETER: So the, the country could come to still stand.

MNR DEETLEFS: Wat 'n groot ekonomiese..., hoe sal ek sê, uitwerking op ons land se ekonomie sou gehad het.

INTERPRETER: It was going to have a huge effect, My Lord, on our economy, our country's economy.

MNR DEETLEFS: En... [tussenbei]

COURT: Okay, was, out of, out of that statement, did the  
10 police or anybody, did the police or the security police prefer a  
charge of high treason or incitement against Theron and other  
people?

TOLK: Nou het die polisie... [Tussenbei]

COURT: He has given you a statement, he is a good State  
witness now or rather a State witness, to give... [Intervened]  
[Speaking simultaneously]

TOLK: Hy het mos 'n, hy het mos 'n verklaring gegee...  
[Tussenbei]

COURT: Were they ever charged?

20 TOLK: Luister wat die Hof sê; die Hof sê hy het mos 'n  
verklaring gegee, hy is nou baie goed, 'n goeie staatsgetuie  
nou. Was hulle ooit aangekla vir hoog, hoogverlaat [*sic*].

MNR DEETLEFS: Ek dra nie kennis nie maar om earlik te  
wees, U Edele, ek weet glad nie dat enige een van hulle  
aangekla was vir hoogverraad nie.

INTERPRETER: My Lord, I bear no knowledge but I know that not anyone of them were charged for high treason.

MNR DEETLEFS: Maar luitenant Whitehead kon spesifiek dan nou as Jan Theron so 'n belangrike persoon was hom gemonitor het, deurentyd gemonitor het om te kyk of hy besig was met nog meer gevaarliker misdrywe.

INTERPRETER: But, my, My Lord, Lieutenant Whitehead could monitor Jan Theron because he was such a, a important person, to monitor him not to carry on other wrong crimes, or  
10 wrong things, My Lord.

COURT: Do you know that is what he did or did he, do you not know?

TOLK: Weet u of dit is wat hy gedoen het of weet u nie?

MNR DEETLEFS: Nee, ek weet nie, U Edele.

COURT: *Ja.*

INTERPRETER: No, My Lord, I do not know.

COURT: You see, Mr Deetlefs, I have a problem, a serious problem with you. Some, so many things you, you, you do not remember, you do not know which are crucial. I mean it is  
20 important that you, you, you were given a version by Dr Neil which amounted to there are some people who are planning crimes against the state. [Intervened]

TOLK: Sien Mnr Theron, ek het 'n groot probleem met u...  
[Tussenbei]

COURT: And, and you, you... Sorry. *Ja.*

TOLK: Thank you, My Lord. Ek het 'n groot probleem met u of met u se weergawe. Meeste van die dinge sê u u weet nie of u kan nie onthou nie. Hier is... And then?

COURT: These are very important information that he gave you, according to you.

TOLK: En namens [*sic*] u, Meneer, Dr Neil Aggett het baie belangrike, het u baie belangrike informasie gegee, dit is nou names [*sic*] u, wat u nou sê. Yes, My Lord.

COURT: And you were specifically called by you senior to  
10 come and get this information and you get within six hours.

TOLK: En u was spesifiek geroep van u seniors af om hierdie informasie te kry en u kom toe en u sit toe vir ses ure. In ses ure kon u hierdie informasie nou bekom het of gekry het.

COURT: And thereafter, when you got this information, you have got no further interest in it.

TOLK: Nou na dit het jy nou alreeds hierdie informasie gekry, hierdie belangrike informasie gekry en u het nou skielik nie weer, u is nie weer..., intresseer [*sic*] in hierdie informasie nie.

MNR DEETLEFS: U Edele, ek sal nie sê ek was nie  
20 geïnteresseerd nie maar ek was gemoed met baie ander ernstige sake.

INTERPRETER: My Lord, I would not say that I was not interested but I was, I had many other very important matters to deal with.

MNR DEETLEFS: En daarby kan ek net voeg, U Edele, dat

sou dr Neil Aggett hom nie self gehang het nie...

INTERPRETER: And I also, I also want to add that, My Lord, if dr Neil Aggett did not hang himself...

MNR DEETLEFS: Dit kon 'n baie wyer ondersoek tot gevolg gehad het...

INTERPRETER: My Lord, it was going, it could have led or be, led to, to a more wider investigation.

MNR DEETLEFS: En, en... [Tussenbei]

INTERPRETER: And a fully investigation.

10 MNR DEETLEFS: En kon hy sowel as Jan Theron en verskeie ander aangekla gewees van misdrywe wat ek sê wat sou neerkom, volgens my, op hoogverraad.

INTERPRETER: My Lord, and then Jan Theron and others could have been charged with high treason and many other things, My Lord.

COURT: Thank you. Any other questions arising out of that? Any questions arising from that?

NO FURTHER QUESTIONS BY MR VARNEY: No questions, My Lord.

20 COURT: No questions. Any...

NO FURTHER QUESTIONS BY MR COETZEE: I have got no questions, thank you, My Lord.

COURT: No questions.

NO FURTHER QUESTIONS BY MR MLOTSHWA: None from my side, My Lord.

COURT: Thank you. No questions.

NO FURTHER QUESTIONS MR AMOJEE: None.

COURT: Mr Deetlefs, thank you very much. You may step down now.

TOLK: Mnr Deetlefs, baie dankie, u kan afstaan.

MNR DEETLEFS: *Thank you.* Dankie, U Edele.

NO FURTHER QUESTIONS

COURT: Do... Did you, what happened to that issue about the, his casebooks. Were you still following it up or it is no longer... [Intervened]

MR COETZEE: My Lord, we will, we will instructions from him after he is now out of cross-examination in, in this regard, My Lord.

COURT: *Ja, ja.*

MR COETZEE: We will, we will speak to him, we will obtain it and my attorney will, will liaise with the prosecutors to, to... Once we have obtained that to give them the relevant pages of, of, of those..., those books.

COURT: *Ja.* I, I take it the casebooks will also indicate, it is a form of a diary what he was doing on a certain day?

MR COETZEE: I, I do not know. I have seen Paul Erasmus have, have presented casebooks, My Lord. I suppose it would be similar to that. I am not... [Intervened]

COURT: Precisely being [indistinct – 11:54] exactly on the 30<sup>th</sup> of January where he was, what he was doing.

MR COETZEE: *Ja*, I, I am sure that is... I, I do not know, My Lord, but it will be similar to... [Intervened] [Speaking simultaneously]

COURT: Because that will be important.

MR COETZEE: ...to what Paul Erasmus had, I am, I supposed. But once we have it and to meet with, I could not really consult with him while he was under cross-examination... [Intervened]

COURT: *Ja*.

10 MR COETZEE: We will do that, because we talked but obviously not on the case. We will obtain that and as soon as we, we will be able to give the Court an indication is when we will be have, we will have it available for, for the Court.

COURT: Well, you know the Court would like to specifically get the casebooks or whatever relating to that month of January, what he was doing.

MR COETZEE: We will endeavour to, to put that before Court [indistinct – 11:55]

COURT: Thank you.

20 MR VARNEY: My Lord, just on that aspect, and I have not consulted with, with my learned friends on, on this point but if he is being required to produce those casebooks and I, I do not know whether he kept a daily pocketbook as many police officers do...

COURT: *Ja*.

MR VARNEY: That could be delivered as well and I am, I am wondering whether we should not play it safe and, and actually ask our learned friend from the State to issue a *subpoena* in, in this regard?

COURT: *Ja*. Casebooks and pocketbooks for..., for December and January, December 1981 and January 1982.

MR MLOTSHWA: We will do that, My Lord.

COURT: His casebook as well as pocketbook.

MR MLOTSHWA: Yes, My Lord... [Intervened]

10 COURT: Pocket diary.

MR MLOTSHWA: Thank you, My Lord.

MR COETZEE: My Lord, I, I am not sure whether he has pocketbooks. He was not asked about that but we will inquire from him.

COURT: *Ja*.

MR COETZEE: ...if he has a pocketbook available.

COURT: *Ja*, okay.

MR COETZEE: But he said he has the casebooks but we will take that... [Intervened]

20 COURT: Alright. Okay. Thank you. You may proceed.

MR VARNEY: My, My Lord, just one last administrative matter. My Lord, we have been receiving the running record, the transcripts do date... [Intervened]

COURT: You have not received that?

MR VARNEY: I am, I am not aware, or at least that we have

not been furnished any copies and in the Timol inquest we were getting weekly running transcripts and I was just wondering if we could make an inquiry as to whether we will be getting those at some point.

COURT: Yes, Madam? [Indistinct – 11:56] we did ask, *nè?* I think we did, we did send a request, *nè?*

REGISTRAR: Yes.

COURT: A request has been sent to... We will follow it up today. Okay.

10 MR VARNEY: As the Court pleases.

COURT: *Ja*. It should be a long record by now, I am sure. Okay, thank you.

MS SINGH: Thank you, My Lord. My Lord, we call Mr Lambrechts to the witness stand.

COURT: Okay.

REGISTRAR: Please state your full names and surname

MR LAMBRECHTS: Charl Wynand Lambrechts.

COURT: Is it Charel?

MR LAMBRECHT: Charel. C.h.a.r.e.l, My Lord.

20 COURT: Lourens?

MR LAMBRECHTS: Lambrechts.

COURT: What is your second name?

MR LAMBRECHTS: Wynand.

COURT: Oh, Wynand.

MR LAMBRECHTS: W.y.n.a.n.d.



COURT: *Ja.* Lambrecht?

MR LAMBRECHTS: L.a.m.b.r.e.c.h.t.s

COURT: With a 'd' not a 't'. Lambrechts, thank you.

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

MR LAMBRECHTS: No, My Lord.

REGISTRAR: Do you swear that the evidence you are about to give, the truth, the whole truth and nothing but the truth?

MR LAMBRECHTS: So help me, God.

REGISTRAR: Witness sworn in.

10 COURT: Thank you.

MS SINGH: My Lord, I am going to refer the witness to the following exhibits; FGK9. My Lord, I have a copy for His Lordship.

COURT: Okay.

MS SINGH: I just want everyone to know. FGK9, G33.1, FGK2(5), FGK7(1-4) and FGK15. My Lord, I beg leave to hand a copy for His Lordship.

20 COURT: Okay. The witness already was placed in possession of the photo album. Mr Lambrechts? Yes, and behind you there is a folder, behind you there is a folder. Yes. If you can just put those exhibits out in front of you, we will refer to them in due course.

COURT: Thank you.

MS SINGH: Thank you, My Lord.

COURT: Yes.

CHAREL WYNAND LAMBRECHTS: (duly sworn states)

EXAMINATION BY MS SINGH: Mr Lambrechts, yes, those are yours, Mr Lambrechts.

MR LAMBRECHTS: Yes.

MS SINGH: Yes.

MR LAMBRECHTS: Thank you.

MS SINGH: Mr Lambrechts, in 1982 you were in the employee of the South African Police Force. Is that correct?

MR LAMBRECHTS: That is correct, My Lord.

10 MS SINGH: What year did you retire, Mr Lambrechts?

MR LAMBRECHTS: I retired in 1991 for medical reasons, My Lord.

MS SINGH: And what year did you join, Mr Lambrechts?

MR LAMBRECHTS: I joined the police in 1965, My Lord.

MS SINGH: What age were you when you joined?

MR LAMBRECHTS: When I joined I was 18 years old, My Lord.

MS SINGH: How long had you had worked at the fingerprint office? Is that where you were working at Johannesburg?

20 MR LAMBRECHTS: At Johannesburg at the time, it was... Let me see... [Intervened]

MS SINGH: Or let start like this. Did, how, how long did you spend with the uniform branch?

MR LAMBRECHTS: In the uniform branch, I only spent about two years, not..., not even two years, My Lord.

MS SINGH: And then after, thereafter you went to work with the fingerprint office?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: So from 1967 thereabouts right until 1982, you were with the fingerprint office – in fact until you retired. Would I be correct?

MR LAMBRECHTS: That is correct, My Lord, in 1991.

MS SINGH: What was the extent of your training that you had received, Mr Lambrechts?

10 MR LAMBRECHTS: I went through the basic training as a fingerprint expert, also in the classification of fingerprints, searching of the files. I was also a trained photographer, a draftsman and I had to the restoration of identification marks that were erased from different surfaces. At a later stage I also became a forensic investigator in the police.

MS SINGH: No from a brief calculation that I have done, mathematically, by the time of 1982 you must have had at least 15 years of experience alone with the fingerprint office. Am I correct?

20 MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Alright. Mr Lambrechts, yesterday I gave you a copy of your statement. I gave you a copy of your evidence, I gave you a copy of your folien that you had lifted. Do you confirm that?

MR LAMBRECHTS: My Lord, I have copies of my statements

but I have not got a copy of the folien.

MS SINGH: Okay, I want you to... Do you see G33.1?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: You see that? Do you not have a copy of this, on page 6, attached to your copy?

COURT: Page 6.

MS SINGH: Yes, My Lord? It is, it is indicated page 6 but it is attached as an annexure, My Lord, to G33.1. Do you not see that? Do you not have that? May I have a look at your  
10 copy then?

COURT: Is, is that the folien?

MS SINGH: Yes, My Lord. The fingerprint itself, copy of the folien, My Lord, that was lifted.

COURT: Oh, it is the... [Intervened]

MS SINGH: Yes, yes.

COURT: It is the second portion of this... *Ja*. Okay.

MS SINGH: Sorry, that is the Court chart.

MR LAMBRECHTS: This is the court card [indistinct – 12:02]  
[speaking simultaneously] Sorry.

20 MS SINGH: Yes... Colleague?

MR LAMBRECHTS: It is the court card.

MS SINGH: Can I just have it back, please?

COURT: *Ja*, I have a copy. This one?

MS SINGH: Yes, My Lord.

MR LAMBRECHTS: Yes.

MS SINGH: Can I just see where that is on your copy?

MR LAMBRECHTS: It is [indistinct – 12:02]

MS SINGH: I see it is attached to your copy, Mr Lambrechts.  
You see that now?

MR LAMBRECHTS: Yes, My Lord, that is... [Intervened]

MS SINGH: Alright, so the... Alright. So the long and short  
of it is that you have all the copies. It was furnished to you.  
Mr Lambrechts, it is not in dispute that on the 5<sup>th</sup> day of  
February 1982, you attended to a scene of the alleged hanging  
10 of Dr Aggett at John Vorster Square. Am I correct?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Right. Mr Lambrechts, at what time, where... I  
noticed that from your evidence that was led in 1982 as well as  
the affidavits, we do not have a time when you were notified of  
this attending of the scene. Can you explain to us? Do you  
recall the time?

MR LAMBRECHTS: The time as it is on my report, officially  
was 03:40 in the morning, My Lord.

MS SINGH: Is that the time that you were notified?

20 MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Alright. Mr Lambrechts, how long did it take you  
to get to the police station?

MR LAMBRECHTS: I would say about 20 minutes or so, My  
Lord.

MS SINGH: So roughly this would have been about 20, or

would I say 03:40; that would be about four o'clock in the morning. Would I be correct?

MR LAMBRECHTS: I would say so, My Lord.

MS SINGH: Who contacted you, Mr Lambrechts?

MR LAMBRECHTS: I have got it here that Captain Victor phoned me, telephonically on, at my home. I was on standby for cases... [Intervened]

MS SINGH: Can I just ascertain... [Speaking simultaneously]

MR LAMBRECHTS: ...emanating during the night.

10 MS SINGH: Yes. Can I just ascertain, is it not correct that the security branch had their own photographers that they would normally use or am I incorrect?

MR LAMBRECHTS: My Lord, they had their photographers, most of which I trained but we go out to cases where, in cases like this that happens in the police station or on a crime scene, we attend those.

MS SINGH: Why would the security branch police photographers not attend to a crime scene like this?

20 MR LAMBRECHTS: I would not know, My Lord, but I would assume because they do not have any fingerprint experts or anybody with them. So actually I would not know why they did not attend it.

MS SINGH: So they had their own photographers but they did not have their own fingerprint experts. Is that what you are saying?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Alright. When they, when you were notified, did they know that they were going to be looking for fingerprints, that they called you specifically, and I am not talking about the photographer. Yes, granted you are a photographer, did they [soundtrack distortion – 12:06]

MR LAMBRECHTS: ...when contacting you just tell you that there is a scene at such and such a place and address, would I please attend it because at night we did everything, we did the  
10 fingerprints and the paragraphs and everything that goes with the investigation of a case.

MS SINGH: Mr Lambrechts, the, when you arrived at the crime scene, who was there? Who was at the cell?

MR LAMBRECHTS: There were quite a lot of people. My Lord, I cannot specifically remember anyone in...

MS SINGH: In particular?

MR LAMBRECHTS: In particular.

MS SINGH: Where were they, Mr Lambrechts?

MR LAMBRECHTS: They were up, at the cells on, I think it  
20 was on the second floor.

MS SINGH: Around the crime scene?

MR LAMBRECHTS: That is correct.

MS SINGH: Where were... Were they in the cells?

MR LAMBRECHTS: My Lord, there was such a lot of people standing around. I would not be able to say how many people

were in the cell or how many people were in the front of the cell but most of them I found outside the cell.

MS SINGH: But there were people that were in the cell. Is that what you were saying?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Alright. And it would be, as I understand it, only security branch policemen or were there uniform branch policemen? Who was inside the cells?

MR LAMBRECHTS: I would not know that, My Lord. I, I did  
10 not know the security police by names or by person, so to speak.

MS SINGH: Understandable, but there was a differentiation between the security branch policemen and uniform branch policemen in the sense that uniform branch policemen don uniforms and security branch policemen don civilian clothes. Would I be correct?

MR LAMBRECHTS: That is correct, My Lord. There were some people in civilian clothes and in uniform clothes uniform clothes.

20 MS SINGH: Did that bother you, Mr Lambrechts, that this is a crime scene?

MR LAMBRECHTS: No, no, no.

MS SINGH: I did not bother you?

MR LAMBRECHTS: No, My Lord, in all, in, in all crime scenes when I come there, there are usually uniform people and



detectives.

MS SINGH: Right. So this areas was not cordoned off as I understand?

MR LAMBRECHTS: No, not by any... [Intervened]

MS SINGH: Okay. And, and normal, normally international practice, I would think all over the world, is that a crime scene ought to be cordoned off. Would I be correct?

MR LAMBRECHTS: I would, I would say so, My Lord, but there was only the one entrance to the cell itself, the door...

10 [Intervened]

MS SINGH: But that does not.... No, I, I hear you but that does not take away the fact that this being a crime scene and this being in a police station with a detainee that died in a police cell, that the police, the area itself should have been cordoned off or did that bother you?

MR LAMBRECHTS: No, My Lord, I, I specifically just went there to do the investigation, the normal investigations that was required of me.

20 MS SINGH: Alright. Let us talk about the normal investigation. What did you do when you arrived there, Mr Lambrechts?

MR LAMBRECHTS: I first went into the cell and everybody moved out and moved back. There were no people around me or talking to me or advising me what to do. I had to do it by myself as I was used to do because that is the way it is done.

MS SINGH: And what did you do, Mr Lambrechts?

MR LAMBRECHTS: I took photographs, My Lord, of the deceased.

MS SINGH: How many photographs did you take, Mr Lambrechts?

MR LAMBRECHTS: I took four photographs, My Lord.

MS SINGH: Yes. Proceed.

MR LAMBRECHTS: I took a photograph of the deceased...  
[Intervened]

10 MS SINGH: You may refer to your, to your statement that have there in front of you. Would I be correct, it is the statement that is attached to G33.1? It is marked number 70 on the right-hand side. Do you see that?

MR LAMBRECHTS: *Ja*, I have got it, My Lord.

MS SINGH: Alright. So your first photograph you said, what does it..., what does it reflect, Mr Lambrechts?

MR LAMBRECHTS: Alright. I marked the photos, photo 1, it shows the cell door to cell 209.

MS SINGH: Yes.

20 MR LAMBRECHTS: And the deceased hanging on the bars with his back towards the door of the cell.

MS SINGH: Okay. Yes, photograph 2?

MR LAMBRECHTS: Photograph 2, it shows the front of the deceased as he was hanging on the bars.

MS SINGH: Proceed.

MR LAMBRECHTS: And photo 3 was a closer up photo of the face of the deceased and the vicinity immediately around the face.

MS SINGH: Yes.

MR LAMBRECHTS: It also depicted the material that was around the neck of the deceased and on, tied onto the bar of the cell... [Intervened]

MS SINGH: Proceed. Yes?

MR LAMBRECHTS: Photo 4 depicted a cement bunk, I can  
10 only call it a bunk, it is a block like in the form of a bed.

MS SINGH: Was this the, the cement structure... [Intervened]

MR LAMBRECHTS: Yes, yes.

MS SINGH: That would be built into the cell.

MR LAMBRECHTS: That is correct and there were different articles on the cement block.

MS SINGH: Okay.

MR LAMBRECHTS: And I got the impression that it was the sleeping place or the bed.

MS SINGH: Okay. Sir, I just want to confirm; you took those  
20 four photographs. You took those four photographs on your own accord, Mr Lambrechts?

MR LAMBRECHTS: In, during my investigation, that is what I did out of myself.

MS SINGH: I just want you to quickly refer to, in your same statement, you state here, right at the top, I just want to take

you quickly; there is the MR number, it is your name, it is your service number, you say you were the official photographer. If my Afrikaans to English interpretation is correct, incorrect, please correct me. You say on the 5<sup>th</sup> of February 1982:

“Het ek [onduidelik – 12:13] van kaptein Victor.”

MR LAMBRECHTS: That is correct.

MS SINGH: So it is Captain Victor that refer, instructed you to come and the photographs here?

MR LAMBRECHTS: *Ja*, he was, he phoned me and when I  
10 came there, I found him there and I went into the cell.

MS SINGH: Right. Then you go on to say;

“Daar was sekere punte deur kaptein Victor aan my  
uitgewys.”

There were points that were pointed out to me by Captain Victor.

MR LAMBRECHTS: *Ja*, he pointed out the deceased and the bed. That was, that was about all that he pointed out...

[Intervened]

MS SINGH: So strictly speaking for you to say you  
20 photographed only the four points, or you photographed these four photographs, would be incorrect. It was actually Captain Victor that pointed out certain areas to you.

MR LAMBRECHTS: He pointed it out to me and...

[Intervened]

MS SINGH: Okay.

MR LAMBRECHTS: ...I took photographs according to that.

MS SINGH: Alright.

MR LAMBRECHTS: Sorry, My Lord.

MS SINGH: No, no, it is fine. Mr Lambrechts, I just want to find out, I just want to deviate a little bit; at the inquest you testified. Am I correct?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Alright. You testified about the photographs that you had taken. Is there any particular reason why the  
10 photographs were not exhibited at the inquest because I understand from reading the record that reference was made to the inquest, to the photographs but it was put by counsel that we are not going to hand these photographs in. Can you offer some explanation as to why these photographs... [Intervened]

MR LAMBRECHTS: I cannot, My Lord, I handed the photographs in at the inquest. Whether it was used in the inquest at all, I would not know.

COURT: Sorry, you, you handed the photographs to who?

MR LAMBRECHTS: In at the court as an exhibit, My Lord.

20 COURT: At court. Thank you, alright. You handed them over to the magistrate or to, to the...

MR LAMBRECHTS: To the... [Intervened]

COURT: Prosecutor?

MR LAMBRECHTS: To the Court itself, My Lord.

COURT: You may proceed.

MS SINGH: And you would have handed it to the investigating officer. Am I correct?

MR LAMBRECHTS: I beg yours?

MS SINGH: You would have handed it to the investigating officer as well?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Because that is standard procedure for the investigating officer to obtain... [Intervened]

MR LAMBRECHTS: Yes, My Lord.

10 MS SINGH: ...a copy of the photographs.

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: And how many photos, was it just these four photographs, Mr Lambrechts? Was it just the four photographs?

MR LAMBRECHTS: Yes, My Lord, that is the only photographs that I took there.

MS SINGH: Alright. Was it a common practice in, in a case, especially like this for you to just obtain only four photographs?

20 MR LAMBRECHTS: My Lord, every case has its own merit and in this case here I photographed the..., the places of, so to speak that had reference to the scene and that was it.

MS SINGH: You photographed Dr Aggett's body as it was found. So you took a photograph of the back, you took the photograph of the front. You photograph of the area where it

was, you said there was a cement bed, and you took a close up. Am I correct?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And this was all when Dr Aggett was still suspended on the grills. Am I correct, Mr Lambrechts?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Is it not, was it not feasible to also take photographs after the body of Dr Aggett had been cut down?

MR LAMBRECHTS: My Lord, I did not take any photographs  
10 after the body had been cut down.

MS SINGH: Okay. The question I am putting to you, Mr Lambrechts is, was it not feasible to have taken photographs of Dr Aggett's body after it had been cut down?

MR LAMBRECHTS: My Lord, at that stage I, I am, I might be wrong, I, I am not sure but I think the pathologist was at that stage there and they took their own photographs on that aspect. I am, I, I might be, I am not sure about that.

MS SINGH: When you say the pathologist, who was the pathologist, Mr Lambrechts?

20 MR LAMBRECHTS: I would not know, My Lord. I cannot remember.

MS SINGH: Why do you say it was pathologist?

MR LAMBRECHTS: I, I assumed that it was the pathologist because I am, I am sure that he was there at that stage because otherwise I would have taken the photographs.

MS SINGH: Did you know the pathologist at that time, Mr Lambrechts?

MR LAMBRECHTS: I know the pathologists, some of them but I could not I could not remember if there was one and what, what his name was or who he was, I cannot... [Intervened]

MS SINGH: Okay, I just need to, I just need to unpack that. You say you did not know if there was one. Was there one or was there not a pathologist there?

MR LAMBRECHTS: My Lord, I cannot recall.

10 MS SINGH: Alright.

MR LAMBRECHTS: I cannot recall that.

MS SINGH: No, no, that is fine. I understand it is 38 years ago. Mr Lambrechts, but according to your memory it appears that somebody else took photographs there because that is your version that you would have taken photographs had the pathologist not taken photographs. So what I am deducing is that somebody else was taking photographs.

MR LAMBRECHTS: That is correct, My Lord.

20 MS SINGH: Right. And you say it might have been the pathologist.

MR LAMBRECHTS: It might have been.

MS SINGH: Do you know what happened to those photographs?

MR LAMBRECHTS: I would not know, My Lord. They do their own processing of their photographs.



MS SINGH: And, and did you see them taking the photographs while the body of Dr Aggett lay on the floor?

MR LAMBRECHTS: No, My Lord, by that time I was still busy at the rails and the, the bars and the supports on it.

MS SINGH: But at this point I am thinking that Dr Aggett's body is still suspended on the grill.

MR LAMBRECHTS: No, that was after he was taken down.

MS SINGH: So you processed the grills even after Dr Aggett's body was removed.

10 MR LAMBRECHTS: Yes, My Lord, the space behind, where the body was hanging.

MS SINGH: We will come back to that now. I just want to, I just want wrap this up. We will come back to the space behind. Mr Lambrechts, the, the reason why I am asking about photographs being taken after the body of Dr Aggett was removed from the grill, is that I would have thought that this would have been the correct thing to do – that there would have been a close-up of Dr Aggett's face; there would have been close-up of the material around his neck, there would  
20 have been a close-up of his body lying on the, of the, on, on the floor, or am I incorrect? Would that what, is that what not be happened?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Alright. Mr, Mr Lambrechts, I want to refer you to this photo album, FGK2(5). This is a photo album that has

already been handed in. It is in your... Yes, in that, in that little folder I gave you. Yes. This is the photographs of the later Mr Depale, Mr Lambrechts. He also died at John Vorster Square, also alleged hanging, also in the same year as Dr Aggett and he also, as I said allegedly hung himself. The, the difference that I want to show is that in this photo album, there were 18 photographs taken of the deceased, Mr Depale, and if you page through it roughly you will see there is one where, photograph 1 shows Mr Depale hanging against, you know, 10 against the window.

MR LAMBRECHTS: Yes.

MS SINGH: Photograph 2 is after the body has been cut down. Photograph 3 and 4, of the area where Mr Depale was. Photograph 5 and 6, after Mr Depale has been cut down. Photograph 7, you can page through it.

MR LAMBRECHTS: Yes.

MS SINGH: Photograph 8 is a photograph which depicts Mr Depale as he was found. Photograph 9 from the side view, photograph 10 the back view, photograph 11 the face itself. 20 Photograph 12 the noose itself. Photograph 13, 14, measurements, 15 and 16 the actual blanket that he allegedly used to hung him, hang himself and photograph 17 and 18 his clothing and items in the cell. Do you see that?

MR LAMBRECHTS: I see that.

MS SINGH: And my concern is this, Mr Lambrechts, that in

view of the fact that this was such a high profile matter, Mr, Dr Aggett was not an ordinary gentleman, not that ordinary gentleman should get any less treatment but it was on the second floor cells. There is evidence that is undisputed, he was a detainee and we have security branch crawling all over there. We have another gentleman that has died in custody – I would have thought more photographs would have been taken. Can you comment?

MR LAMBRECHTS: I cannot comment, My Lord, only to say  
10 that I did not take any more photographs and I did not. That were the only photographs that I took.

MS SINGH: Was that a, a, a shortcoming on your part, is that what you are admitting?

MR LAMBRECHTS: It might be, My Lord.

MS SINGH: Let us move on to the next point. Mr Lambrechts, the processing of the cell itself, you took the four photographs, you felt that that was adequate. Before we go on to that, can you tell me about the, can you recall the material around Dr Aggett's neck?

20 MR LAMBRECHTS: I beg yours?

MS SINGH: The material.

MR LAMBRECHTS: My Lord, no. I cannot recall the exact nature of the material.

MS SINGH: Mr Lambrechts, on, on the same... Okay, I can see you are referring to FGK7(1-4). This is the photograph,

four photographs. You can page through it. Does it bring back any memories?

MR LAMBRECHTS: These, these photographs were the photographs taken by me.

MS SINGH: How can you be so certain, Mr Lambrechts?

MR LAMBRECHTS: My Lord, it is a thing, when you take a photograph you, you can recognise it even after years of experience, you know a photograph that was taken by you.

MS SINGH: The problem, Mr, Mr, Mr Lambrechts, is that this  
10 photograph was actually a screenshot from a video in a documentary that was, that was shot in respect, in commemoration of the death of Dr Aggett. In fact photograph FGK7(1) and FGK(2) is actually just the enlarged photographs of FGK3 and 4. Any comment?

MR LAMBRECHTS: So a video was made, if I understand correct, My Lord, that of these photographs?

MS SINGH: Hmm.

MR LAMBRECHTS: But the original photographs, these were taken by me, My Lord.

20 MS SINGH: Okay. Alright, we will come back to that. Mr Lambrechts, I want to refer you to FGK15. It would be he photograph that is also in your folder. Do you see that?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Do you recognise this?

MR LAMBRECHTS: No, My Lord. It might be the, it might

have been the material that was used or was around the deceased's neck but I cannot be 100% of that.

MS SINGH: Why do you say it might have been the material? Anything strike, you know, a memory with you?

MR LAMBRECHTS: No, My Lord.

MS SINGH: You, you do not remember, you do not recall seeing this?

MR LAMBRECHTS: I cannot remember it, My Lord. Sorry.

MS SINGH: Okay. You see clearly on this photograph,  
10 FGK15, there are stripes there, Mr, Mr Lambrechts?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: If a photograph was taken, no do not look at that photograph just yet.

MR LAMBRECHTS: Oh, no, fine... [Intervened]

MS SINGH: Just look at the FGK15. If a photograph of this striped material was taken, Mr, Mr Lambrechts, would I be correct to say that if it was taken, whether close-up or whether it was taken from a further distance away, a striped cloth remains a striped cloth. That is how it would be reflected on a  
20 photograph. Would I be correct?

MR LAMBRECHTS: Yes, My Lord, this was taken, I would say fairly close-up.

MS SINGH: Right. Now I want you to look at FGK7(1-4). Yes, that, that is the one you may now look at. The colour of the cloth that is displayed around Dr Aggett's neck, what is the

colour of that cloth, Mr Lambrechts?

MR LAMBRECHTS: My Lord on these photographs here it is fairly difficult to, to establish what the colour is. I cannot...

[Intervened]

MS SINGH: Is it not white, Mr, Mr Lambrechts?

MR LAMBRECHTS: It appears to be white on FGK7(1), My Lord.

MS SINGH: It appears to be white. So as the, as a qualified photographer, meaning you had quite a bit of experience, is  
10 there any particular reason why a striped cloth would be depicted as white on a different photograph?

MR LAMBRECHTS: I would not know, My Lord.

MS SINGH: Okay. Let us go through the processing of the bars. You processed the bars. Can you just take us through, that was your evidence in 1982 and I assume the evidence has not changed. Can you just take us quickly through how you processed the bars and I am talking about the fingerprints in particular, Mr Lambrechts.

MR LAMBRECHTS: My Lord, I used the normal method of  
20 aluminium powder and a brush, fingerprint brush.

COURT: Brush?

MR LAMBRECHTS: Brush.

COURT: Okay.

MR LAMBRECHTS: Like a paint brush, My Lord. And dusted the whole of the area around and where the deceased was

hanging for fingerprints.

MS SINGH: Now if you say where the deceased was hanging, I am assuming now, you must correct if I am incorrect, that this was done while Dr Aggett's body was still hanging on, on the rails. Am I correct?

MR LAMBRECHTS: No, only the back of it, My Lord, and when the body was taken down, I also did part on the front where the deceased's body was against the bars.

COURT: Sorry, when the body was still hanging you did the,  
10 the back part?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Are you sure you did the front as well, Mr, Mr Lambrechts?

MR LAMBRECHTS: I beg yours... [Intervened]

COURT: Sorry, I just want to get... [Intervened]

MS SINGH: Sorry, My Lord.

COURT: So when the body was still hanging you did the, you, you..., you used aluminium powder and the brush on the back part of... [Intervened]

20 MR LAMBRECHTS: On the back part of... [Intervened]

COURT: Of the body... [Intervened] [Speaking simultaneously]

MR LAMBRECHTS: ...the bars as well, My Lord.

COURT: Let us say on the back part of the body.

MR LAMBRECHTS: Yes, My Lord.

COURT: And after the body had been taken down, you then did the front part?

MR LAMBRECHTS: Yes, My Lord.

COURT: Sorry. You may proceed.

MS SINGH: Thank you, My Lord. Let us start with the back. According to your evidence, you had located a single fingerprint which you later identified to be that, and correct me if I am wrong, to be that of Dr Aggett's. Right on the top you talk about 'bo' on top where the knot was. Would I be correct?

10 MR LAMBRECHTS: No, My Lord.

MS SINGH: Okay. Put us in the picture.

MR LAMBRECHTS: My statement in *per se* says...

[Intervened]

COURT: Where, where... [Speaking simultaneously]

MR LAMBRECHTS: I... [Intervened]

COURT: [Indistinct] which you are, which were, in your statement... [Intervened] [Speaking simultaneously]

MR LAMBRECHTS: I found fingerprints. Not a fingerprint.

MS SINGH: Right.

20 COURT: From which, on which statement? Sorry, where is the statement?

MS SINGH: My Lord, it would be attached to...

COURT: G33?

MS SINGH: G33.1.

COURT: Okay. [Intervened]



MS SINGH: It would be the last... [Intervened]

COURT: Will it be the one at page 70?

MS SINGH: Yes, My Lord.

COURT: It says what?

MR LAMBRECHTS: Fingerprints, it is EXHIBIT 68.

COURT: 68. Okay.

MR LAMBRECHTS: I found fingerprints on the bars.

COURT: Where, where is it? Where is it indicated? Okay.

Yes, I have got page 68. Yes, you may proceed.

10 MS SINGH: On page 68, Mr, Mr Lambrechts, in all fairness to you, it appears to be a Roneo. Am I talking about the same form?

MR LAMBRECHTS: That is correct.

MS SINGH: Alright, I see it just says there, generally:

“Vingerafdrukke”

That is what is normally printed, normally there. Am I correct?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And this form is one where you say... Is this the comparison form that you prepared?

20 MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And then it says that you found one identifiable. Would I be correct to say that?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Right.

COURT: Sorry, are we really on the same page? I, I am

looking at... 68 is this page?

MS SINGH: Yes, that is the same one, My Lord.

COURT: So where does it say...?

MS SINGH: My Lord, on line 1, 2, 3, 4, 5, 6 from the top.

COURT: Six... [Intervened]

MS SINGH: It says:

“Het ek die vingerafdrukke...”

COURT: Ja, I have that.

MS SINGH: Yes.

10 COURT:

“Deur middel van folien vanaf traliewerk, direk bo...”

What? *Bo* what?

“Knoop en stuk materiaal. Bo knoop en stuk  
materiaal.”

MS SINGH: Yes, aan tralie... [Intervened]

COURT:

“Aan tralie waar oorledene gehang het, gevind.”

20 MS SINGH: Yes, My Lord. So, Mr Lambrechts, I just want to  
unpack this *vingerafdrukke*. This is not as if, you know, you  
corrected it. You put, you left *vingerafdrukke* because this is  
normally what is typed on the form. Am I correct?

MR LAMBRECHTS: That is so on the form, My Lord, but if  
there was only one, I would have changed it.

MS SINGH: Okay, so we can safely assume that you picked  
up, or you, you found you located more than one finger

appear... [Intervened]

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Alright. And then judging from the contents of this affidavit, only one was identified or compared and identified as Dr Aggett's?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Right. With happened to the rest of the fingerprints, Mr, Mr Lambrechts? As I understood is you took a folien, that is what you would normally do in those days  
10 because you used a folien. Correct me if I am wrong.

MR LAMBRECHTS: Yes. My Lord, and the folien would, would have contained more than only the one fingerprint because you have to write on the back of the folien where you lifted it, the case reference number and the time and the date on it and you have to sign it. So it was not just one small fingerprint that I lifted there. [Intervened]

MS SINGH: Hmm. And, and... [Intervened]

MR LAMBRECHTS: And that was the only piece of folien that I lifted and that was handed in at the inquest, My Lord.

20 MS SINGH: Right. Where you did the, the whole Court chart and showed the..., the Court the ten points of identification. Am I correct?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Right. So other than this that is indicated on the form, this is the only place... Or let me ask you, let me put it

to you this ways, the way; Other than the folien where you would say where you would say the date, the time, the initial and where it was lifted... [Intervened]

MR LAMBRECHTS: Yes.

MS SINGH: There is no other place where it is indicated that you lift, lifted up the, the, the fingerprint. There is no other place except on the folien itself.

MR LAMBRECHTS: [No audible answer]

MS SINGH: Let me, let me speak a little bit slower, Mr  
10 Lambrechts. You lift the fingerprint on the back of the folien. You put the date, the time, you initial and the case. Am I correct?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: So other than the folien, is there any other place where you would indicate the date, the time, the place that you found the fingerprint and, and, and the initial. Is there any other place you would do that?

MR LAMBRECHTS: No, My Lord.

MS SINGH: So... [Speaking simultaneously]

20 MR LAMBRECHTS: Only on the, on the folien itself which was tendered as an exhibit in the... [Intervened]

MS SINGH: Sorry, the folien is gone, that is the end of it. Am I correct?

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: I... [Intervened]

COURT: But, but I do not understand. With happened to the other fingerprints that were lifted?

MR LAMBRECHTS: My Lord, I lifted no other fingerprints because during my investigation I could found no identifiable fingerprints with defendant, which shown ridge pattern so that I can lift as to say it was a fingerprint. It had no significance in lifting those marks on the bars. They were not fingerprints. They were just marks on the bars itself.

COURT: But would you then indicate precisely where those  
10 were found? You will not be able to say, indicate there were marks found on this and this, on this, on this *tralie*, on this one, on that one?

MR LAMBRECHTS: No, My Lord. I, I, I gave that evidence in the, in the inquest... [Intervened]

COURT: *Ja*.

MR LAMBRECHTS: Due to that fact but the only prints identifiable that I found was as it is on my statement here – directly above the knot of the material on the bar.

COURT: Okay. You may proceed.

20 MS SINGH: Mr Lambrechts, I need to, I need to ascertain, when you arrived at the, at the, at the crime scene, did you know what you were, what you were heading towards or were you just told that this was a hanging and you needed to come there?

MR LAMBRECHTS: No, My Lord, I only found out when I

came to the scene itself.

MS SINGH: Right. And what, what tool did you bring with you? I, I would assume your normal, your aluminium powder, your brush, your folien. What else did you bring with you?

MR LAMBRECHTS: I had my camera with me and my fingerprint case which is normal when you are on standby during the night.

MS SINGH: What was the lighting like in, in the, in the cell?

MR LAMBRECHTS: I cannot remember, My Lord.

10 MS SINGH: Does the lighting play an important, and I am asking you this as an expert; does lighting not play an important role, Mr Lambrechts in the...?

MR LAMBRECHTS: Yes, it does, My Lord, and I had sufficient lighting for all circumstances at night as I was called out quite frequently during the night. [Intervened]

MS SINGH: Alright, and... [Intervened] [Speaking simultaneously]

MR LAMBRECHTS: I had a lamp, a head lamp and a big silver torch which I still have.

20 MS SINGH: And did you use these items that night?

MR LAMBRECHTS: I do not know, I cannot remember, My Lord. It is too long ago but if it was necessary I would have used it because I, I was used to using it at night. Somebody used to shine with a flashlight and I used the small LED.

MS SINGH: Now, Mr Lambrechts, but you, you say that you

dusted the back rails, we will come to the front when we are done. You dusted the back?

MR LAMBRECHTS: Yes.

MS SINGH: Obviously you are not going to contaminate the scene, you would have done this with the utmost of, of, of care. Am I correct?

MR LAMBRECHTS: Exactly, My Lord.

MS SINGH: Alright. If you located, I want you to look at photograph FGK5.1 to 7... [Intervened]

10 COURT: FGK? FGK what?

MS SINGH: My Lord, if Court would just bear with me. It is fine lines, I am talking about the photograph of Dr Aggett, FGK7(1) to 7(4).

MR LAMBRECHTS: FGK?

MS SINGH: Yes, the, the one with Dr Aggett hanging on, on the grill. That is quite some, quite a height to reach, Mr Lambrechts. How did you get to the top?

MR LAMBRECHTS: My Lord, believe or not, I do not recall.

COURT: You do not recall?

20 MR LAMBRECHTS: I do not know if they brought a ladder for me or whether I climbed up there myself. I am honest, I do not remember.

MS SINGH: But you would agree that you would have had to use some, some method to get onto the top.

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: That, that would be quite important. Am I right, Mr Lambrechts? That would be quite important to ascertain how you got to the top. Would I be correct?

MR LAMBRECHTS: I would think so, My Lord. [Intervened]

MS SINGH: And I will tell you why, Mr Lambrechts. Let me, let me put the question to you straight. You see yesterday I handed to you a, photo album.

MR LAMBRECHTS: Yes.

MS SINGH: And I am going to, I am going to refer you to the  
10 first one. This is the one that is compiled by Constable Matupi. It is FGK9. The one that has a police emblem on it, Mr Lambrechts.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Now you say, your evidence is that you were only able to identify one print in comparison with that of Dr Aggett but there were now more than print that was discernable. Would I be correct? Is that the word that I am using?

MR LAMBRECHTS: That is... [Intervened]

MS SINGH: Were all these prints on the top where the knot  
20 was located, Mr Lambrechts?

MR LAMBRECHTS: That was the only identifiable prints that I could find.

MS SINGH: Right and let us talk about the back only, and the back you dusted from the top to the bottom, all rails, vertically and horizontally.



MR LAMBRECHTS: I did that, My Lord.

MS SINGH: And you found nothing?

MR LAMBRECHTS: No, I found marks on the bars as I said in my evidence in the original inquest.

MS SINGH: Hmm. What marks were these, Mr Lambrechts?

MR LAMBRECHTS: They were, they were marks that reacted with the fingerprint powder.

MS SINGH: Hmm-hmm.

MR LAMBRECHTS: Which could be drag marks or marks left  
10 by... [Intervened]

MS SINGH: Drag marks? Sorry, dragmarks.

MR LAMBRECHTS: Drag marks or hands or something. I cannot debate on that... [Intervened]

MS SINGH: No, no, it is important for us to debate on that, Mr Lambrechts, because you see... [Intervened]

MR LAMBRECHTS: Because the surfaces of the bars and the support pieces in middle was quite mottled. It was rough, mottled... [Intervened]

MS SINGH: Right.

20 MR LAMBRECHTS: So to speak, so the surface was not very smooth and did not lend itself very well to any fingerprints on it.

MS SINGH: Yet you were able to pick that one up right on top. That was an excellent fingerprint with ten points of identification.

MR LAMBRECHTS: Yes, My Lord, that is right.

MS SINGH: You, you see Mr, Mr Lambrechts, the reason why I am referring you to that is, you know, it, it is common sense that if one, if one were to grasp onto a cell, onto a, an item and, and you, we will come back to your testimony at the inquest and you said that this is possible, if one were to grab onto the bars, one would expect that if Dr Aggett grabbed onto the bars, he would have used at least three or more different areas on one side of the cell to grasp onto the cell, go onto the top and then suspend himself there and turn around. Would you agree with me that is common sense? Or is it not?

MR LAMBRECHTS: Yes, My Lord, it probably is.

MS SINGH: Now let me show you why the, I am saying it is, Mr Lambrechts.

MR LAMBRECHTS: Hmm-hmm.

MS SINGH: You see this photo album that has been compiled by a police official, I, I had referred, I want you to look at photograph 16 and I am not going to take you to each photograph. I am going to show you a simple simulation that was done.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Alright. You see on photograph 16 we took a, we took three different gentlemen, two of average height and one at the height of Dr Aggett, 1.8m tall. The, the long and short of it is, you can see on from photograph 16 onwards, Mr

Lambrechts, photograph 17, this is the second time now this gentleman has to hold onto the bars to get to the top.

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Yes. Photograph 18, that is the third time, a substantially shorter man has to use another area to hold on to get to the top.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Photograph 19 and then we skip to photograph 21, that is the fourth time that he had to hold on to something  
10 in order to get to the top of the bars and that is without Dr Aggett even turning around.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Alright? Then we will move on to photograph 24. This is another gentleman, Mr, Mr Lambrechts. The long and short of it is that he had to grasp also onto four places before he got to the top. Look at photograph 30.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: To get to the top before he is able to turn around. Photograph 40 is a gentleman, at 1.82m tall. He uses only  
20 three places. When I say three, three on one side; three on the other side, six places to grasp onto, to hold onto before he gets to the top. You see that, Mr, Mr Lambrechts?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And then he gets even better, Mr Lambrechts. I need to ask you this question, after Dr Aggett was cut down,

did you think that it might be necessary to take a photograph of his hands perhaps?

MR LAMBRECHTS: No, My Lord.

MS SINGH: Why not, Mr Lambrechts?

MR LAMBRECHTS: I do not know, My Lord. I did not take a photograph of the deceased's hands... [Intervened]

MS SINGH: And, and I say this interestingly because your Major Swanepoel that was there, and, and this is also a statement that is attached to G33.1, marked 77. Very  
10 interestingly he says,... My Lord, if the Court would just give me a, a minute.

COURT: On what page are those? On what... [Intervened]

MS SINGH: My Lord, page 77, here.

COURT: Sorry?

MS SINGH: It is, it is actually attached to G33.1, My Lord.

COURT: Okay. Okay, yes 77.

MS SINGH: Yes. Now if you turn over, it is marked 78, the second last sentence:

20 "Ek het nie beserings aan die hande of gesig van die oorledene gesien nie."

COURT: Who said that?

MS SINGH: This is now Major Swanepoel, My Lord.

COURT: Major Swanepoel, whose evidence... [Intervened]

MS SINGH: My Lord, it would be number 77 on G33.1.

COURT: I do not have 77.

MS SINGH: Can I just assist, My...

COURT: I have...

MS SINGH: It would be directly after the report of Mr Albertse. It is the first... [Intervened]

COURT: It is..., it is 71 and thereafter what is attached, it is the evidence of Lambrechts.

MS SINGH: Okay, My Lord, may I, may I just have a copy of the, may I have a look at the copy that has been attached for His Lordship? It is the first annexure after Mr Albertse's... Let  
10 me just check these, My Lord. There it is, My Lord.

COURT: Oh.

MS SINGH: *Ja*. Do you see that, Mr Lambrechts? The second last line.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Now the question I am putting to you is it looks like, Brigadier Swanepoel knew exactly what he was looking for because he refers this to in his affidavit. He says he saw no injuries on the hands or the body, or the hands of the, of the deceased. Now one would have expected that there would  
20 have been something on the hands of the deceased if he had climbed up the bars. Do you agree with me? And if it, if it had been dirty for whatever reason or something was out of place then Brigadier Swanepoel would have mentioned that. Do you agree with me?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And if the cells were as you said it was, one would have expected us to see some sort of marks on his hands. Am I correct?

MR LAMBRECHTS: No, My Lord. I, I, I do not think that that is, it depends what could be deposited on his hands or what marks could be on his hands.

MS SINGH: And here we have nothing.

MR LAMBRECHTS: We have nothing, nothing on...  
[Intervened]

10 MS SINGH: Yes, and I will tell you why. I will tell you why. The, the expert for the Aggett family testified in this court, Mr Lambrechts, and I just want to show you this is visual pathways, the report that was handed over to yesterday.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Yes. And I want to refer you to page 8.

COURT: Page, page?

MS SINGH: Page 8, My Lord. Page 8 of Mr Zietse's[?]

COURT: Yes, okay.

20 MS SINGH: Now at paragraph 3.3.6.6, do you see that, Mr, Mr Lambrechts?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: You can see clearly there are marks on this gentleman's hands.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: So either Dr Aggett's cell was extremely clean

and extremely [indistinct – 12:47] as you put it or it was dirty and no-one picked up, I mean certainly Brigadier Swanepoel would have picket it up if there was a problem. Yet there was nothing on his hands.

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Can you explain how then Dr Aggett would have climbed up and left absolutely no trace except one fingerprint right on the top.

MR LAMBRECHTS: My Lord, I cannot explain that. I do not  
10 know if there were, I cannot debate upon this whether would have been dust at the time of Dr Aggett's demise or when the investigation was done by the said gentleman that compiled this.

MS SINGH: Mr Lambrechts, was there anything else in Dr Aggett's cell? What did you, can you remember what else was in his cell?

MR LAMBRECHTS: My Lord, the only articles the was in his cell was on the cement block that served as a bed, that I believe, and that I took a photograph of and that photograph is  
20 not before Court.

MS SINGH: Can you recall what might have been there? I know it is a long time but help us, Mr, Mr Lambrechts.

MR LAMBRECHTS: I cannot recall, My Lord.

MS SINGH: Not at all, not even one article?

MR LAMBRECHTS: No, My Lord.

MS SINGH: In the, in the one and a half years approximately that you worked at uniform branch, Mr Lambrechts, were belts allowed to be kept by prisoners?

MR LAMBRECHTS: No, My Lord, belts and shoe laces and ties... [Intervened]

MS SINGH: Ties?

MR LAMBRECHTS: Shoe laces, belts, and ties was taken off... [Intervened]

MS SINGH: Blankets, forget about blankets. We understand  
10 there were blankets but tablecloths? Tablecloths?

MR LAMBRECHTS: Tablecloths?

MS SINGH: Yes.

MR LAMBRECHTS: Not that I know of, My Lord.

MS SINGH: Ties?

MR LAMBRECHTS: Ties, no, My Lord.

MS SINGH: More than one pair of socks.

MR LAMBRECHTS: I do not know that, My Lord.

MS SINGH: Can you remember what Dr Aggett was wearing?  
Was it the same clothing that you see on the photograph?

20 MR LAMBRECHTS: Yes, My Lord, that is the same.

MS SINGH: Is it the same that, that he, that, that he was wearing?

MR LAMBRECHTS: Yes.

MS SINGH: Mr Lambrechts, you were on standby that day.  
Am I correct?



MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: From the evidence that was led at the inquest in 1970..., aag 1982, sorry, Dr Aggett's body was found at about half past one that morning. You were notified at a about 20 to, I think you said, was it 20 to four? Am I correct?

COURT: 03:40.

MR LAMBRECHTS: At 3, 03:40.

MS SINGH: 40, yes.

MR LAMBRECHTS: That was the first time that I was notified... [Intervened]

MS SINGH: So Dr Aggett's body, Dr Aggett's body from the evidence that was testified to, some, some to the police officers said, look his body was still warm, Brigadier Swanepoel says it clearly he was [indistinct – 12:50] dead for three to four hours. Do you know why, was there any problem with, with the police getting hold of you at half past one?

MR LAMBRECHTS: No, My Lord.

MS SINGH: You would agree with me that two to two and a half hours is a long time for them to have contacted you. Is that not... [Intervened]

MR LAMBRECHTS: No, My Lord, I had a radio with me next to my bed and my telephone and, which I answered immediately that night. It is... [Intervened] [Speaking simultaneously]

MS SINGH: And being a diligent police officer on standby you

would have arrived at the scene as soon as possible when you had been notified.

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: Alright. Mr Lambrechts I want to refer you now back to G33.1, this is your evidence that you gave at the 1982 inquest; right at the back, it would be the last annexure. Do you see that? It would be on this one. Do you see? On this one, yes.

MR LAMBRECHTS: Yes, My Lord.

10 MS SINGH: Yes. I want to refer you page 343.

MR LAMBRECHTS: 343.

MS SINGH: It is on the top, Mr Lambrechts. Do you see?

COURT: Okay.

MR LAMBRECHTS: It is a bit...

MS SINGH: Do you want my copy rather?

MR LAMBRECHTS: No, I have got it, My Lord.

MS SINGH: Are you fine? Alright.

MR LAMBRECHTS: It is just overprinted on that side.

20 MS SINGH: Alright. Now if you look at them, there are different paragraphs here. I want to refer you to the second paragraph, in particular line 10.

COURT: Yes.

MS SINGH:

“Die adrig [*sic*] daar kon alleen gemaak gewees...”

Can you read that into the record for us?

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: Please read it, Mr Lambrechts.

MR LAMBRECHTS: Must I read it in Afrikaans or translate it into English?

COURT: Ja.

MS SINGH: You can read it into Afrikaans, we will come to the translation.

MR LAMBRECHTS: Okay.

10                   “Om terug te keer na waar die latente afdruk met die folien gelig het.”

COURT: Sorry, where is that?

MR LAMBRECHTS:

20                   “Edelagbare, ek moes self met ‘n gesukkel daarbo bykom. Die afdruk daar kon alleem gemaak gewees het, volgens die afleiding wat ek gevorm het, deur iemand wat teen die tralies opgeklim het. Daar is dwarsversterkings in die traliewerk. Ek het gevind en... dat wanneer ek my voete gebruik op daardie versterkings kon staan en dan myself verder kon optrek teen die tralies tot amper bo teen die dak.”

This is what I did for myself to... [Intervened]

MS SINGH: This is how you deduced... [Intervened]

MR LAMBRECHTS: To, to... [Speaking simultaneously]

MS SINGH: That, the fingerprint would have got to the top. Am I, am I right, Mr Lambrechts?

MR LAMBRECHTS: I beg yours?

MS SINGH: This is how you deduced that the fingerprint would have got there.

MR LAMBRECHTS: *Ja*.

MS SINGH: Dr Aggett would have grabbed onto the cell...  
[Intervened]

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And he would have got there and obviously when you grasped, obviously you would have left fingerprints, a palm  
10 print, fingerprints, some sort. Am I correct?

MR LAMBRECHTS: No, My Lord.

MS SINGH: Why is that, Mr Lambrechts?

MR LAMBRECHTS: I would have warn latex gloves that I usually use even after I powdered the surfaces.

MS SINGH: But ordinarily Dr Aggett did not have gloves.

MR LAMBRECHTS: No, no, no, My Lord.

MS SINGH: Yes. But would you agree with me then, Mr...  
[Intervened]

COURT: Sorry, do you say you used gloves?

20 MR LAMBRECHTS: Yes, I have got latex gloves that I use in my investigations and stuff, My Lord.

COURT: You used, you used to climb up?

MR LAMBRECHTS: I beg yours, My Lord?

COURT: Did you use gloves to climb up?

MR LAMBRECHTS: Yes, My Lord, I would have. I would not

use my bare hands on it.

MS SINGH: So clearly if you climbed up, there was no ladder.

MR LAMBRECHTS: I do not know whether, I tested it for myself to see how people can come up, that is what I am saying here and, but as to when I did the investigation and the fingerprint lifting, the fingerprint found there, I am not sure whether I did it from that position or whether I used a ladder. That was my evidence, My Lord.

MS SINGH: I see the prosecutor asked you:

10                    “[Onduidelik – 12:54] dit is hoe die vingerafdruk  
                          daar gekom het.”

And you said:

                          “Dit is tot die gevolgtrekking waartoe ek gekom het,  
                          Edelagbare.”

Is that what you say? That is what you came to? The conclusion you came to?

MR LAMBRECHTS: That is, that is, *ja*, that I came to the conclusion, somebody climbed up and grabbed there, that is how the fingerprint would have ended up there.

20 MS SINGH: That is assuming, that is assuming if someone climbed up there and, and... [Intervened]

MR LAMBRECHTS: That is correct, My Lord.

MS SINGH: And if, I want to put it to you, if Dr Aggett had been suspended there on the grill...

MR LAMBRECHTS: Yes, My Lord.

MS SINGH: And we found that this is possible, and his arm had simply been picked up and placed on the top of, it is possible to put the one fingerprint there. Am I correct?

MR LAMBRECHTS: I would know, My Lord. I would not know whether he could have reached there. I cannot debate on something like that. I have... It has not been... [Intervened]

MS SINGH: And yet you drew the conclusion in the 1982 inquest that this is the only way it could have been done. You will not speculate today but in 1982 you were able to do that.

10 MR LAMBRECHTS: No, I said, by somebody climbing up there, My Lord.

MS SINGH: Yes. [Speaking simultaneously]

MR LAMBRECHTS: Yes.

MS SINGH: You speculated if somebody climbed.

MR LAMBRECHTS: Yes.

MS SINGH: Today you are not prepared to get into speculation.

MR LAMBRECHTS: Okay, My Lord.

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

20 COURT: Okay.

MS SINGH: I see it is lunch time already, My Lord, perhaps we should adjourn?

COURT: Oh. Okay. We will adjourn until two o'clock.

COURT ADJOURNS [12:56]

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The late DR NEIL HUDSON AGGETT

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CASE NUMBER : 445/2019  
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*Hvan Rhyu*

Sworn Transcriber

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3. Indistinct words/or phrases are indicated with sound system timestamps.
4. Notably annotations provided as per the protocol are very poor – both incorrect and incomplete. This proves to be not only confusing but also misleading and may lead to inaccuracies and/or incomplete transcript.
5. It seems as if the previous problems with interpretation persist. Subsequently in the instances of incorrect interpretation, the Afrikaans version of the witness' answers and/or the Afrikaans interpretation by the interpreter is also transcribed for the sake of accurateness and completeness.
6. The above is quite confusing and creates a lot of opportunities for inaccuracies and incomplete transcribing.

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