

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION**

Case no:

Original case no:

In the matter of:

**THE REOPENED INQUEST INTO THE DEATH
OF NEIL HUDSON AGGETT**

AFFIDAVIT OF ELIZABETH JILL BURGER

I, the undersigned

ELIZABETH JILL BURGER

do hereby make oath and state

1. I am an adult female born on 15 April 1949. I reside at 20 Old School End, Hook Norton, OX15 5QU, England. I am the sister of the late Dr Neil Aggett and the nominated representative of the Aggett family in respect of the re-opening of the inquest into Neil's death. I am currently resident in the United Kingdom. I make this statement on my own behalf and on behalf of the Aggett family.
2. The facts contained herein, are to the best of my knowledge, true and correct and are, unless otherwise stated or indicated by the context, within my personal knowledge.



PURPOSE OF THIS STATEMENT

3. The purpose of this affidavit is to set out the stance of the Aggett family in respect of the original inquest into Neil's death and to express the Aggett family's desire to re-open the inquest into Neil's death, as soon as possible.

NEIL'S DETENTION

4. Neil was detained by the Security Branch of the South African Police force ("**Security Branch**") on 27 November 1981. He was kept in detention for 70 days until his death in detention on 5 February 1982, most of which was at the John Vorster Square police station. Neil was 28-years old at the time of his death.
5. I had contact with Neil twice during his detention. Upon Neil's arrival at John Vorster Square on 27 November 1981 he telephoned me to tell me that he had been arrested. He assured me that: "its fine. I've got nothing to answer for."
6. Thereafter, I was permitted to visit Neil in detention once. I, along with my mother, travelled from Cape Town to John Vorster Square. It was the afternoon of 31 December 1981; New Year's Eve. Upon arrival, we were collected by a warrant officer, Mr Danvey Maphophe, and taken to an office on the 9111 floor of John Vorster Square. The officer instructed us not to talk to Neil about his case, but only personal matters.
7. Neil was then brought into the room. He was thin. He was not wearing a belt and his shoes did not have any shoelaces. He had slight eczema on one of his eyes. The officer repeated the instruction to Neil that he was not to talk to us about his case, but only about personal matters.

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8. My mother and I each held one of Neil's hands while he told us about his detention. I could tell that he was inhibited and could not disclose much. Neil spoke to us of Elizabeth Floyd; he wanted to know if she was still 'inside', which we were able to confirm. He then told us that he anticipated his detention to take another six months, in response to which he was chastised by the officer for discussing his case.
9. I got the sense that Neil was having an extremely difficult time in detention. It was heart breaking to see someone you love have to endure such suffering for their principles. However, we were confident that Neil saw a future beyond his detention. Neil had asked us to please get him a copy of a medical textbook, Emergency Surgery by Bailey. He wanted to study it with a view to specialising in such medical practice after his release. It was clear to me that my brother saw a promising future after being released from detention.

NEIL'S DEATH

10. On the morning of 5 February 1982 at 06h00, a policeman arrived at our family home in Irene, Pretoria He asked if he could come inside and told me and my family to sit down. He indicated that Neil had died in detention. I was shocked and devastated to hear that Neil had died. I was expecting to hear that Neil was to be released. Not this.
11. The officer went on to tell us that Neil had taken his own life. Our reaction was one of disbelief. We refused to believe that Neil had committed suicide. We believed that the Security Branch had killed Neil. My brother was strong willed, stubborn and uncompromising. He would not have taken his own life.

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12. My father took Neil's death hardest. He wept for days after receiving the news. He called Brigadier Muller of the Security Police exclaiming that: "You've killed him." Neil's death plagued him for the rest of his life and was the last thing on his mind when he was on his death bed.
13. My family has always shared my father's sentiment. To this day we refuse to believe that Neil took his own life willingly. Neil was a strong-willed individual who saw a life beyond his detention. He was young and had a promising future ahead of him. He made detailed complaints of his abuse as he was seeking a reckoning. Neil would not have committed suicide. Neil was murdered during his detention by the security police.
14. If Neil did take his own life, he did so as a direct result of his unrelenting ill-treatment and torture at the hands of the security police.
15. We ultimately agreed to allow our legal representatives in the original inquest to pursue the version of an induced suicide as a matter of legal tactics, as we were advised that this would permit them to lead certain expert evidence. However, deep suspicions and unanswered questions surrounding Neil's death remain.
16. We have no faith in the finding of the original inquest court. The proceedings of that court smacked of a cover-up from start to end. In our view, the process was irreparably tainted by the Security Branch. We know from the inquiries of our current representatives that the police engaged in wholesale perjury in the original inquest. The inquest court dutifully played its role in the cover-up by avoiding lines of inquiry that would lead to the truth. It accepted the versions of the police without question. In our view the court was

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thoroughly corrupt and engaged in a charade to protect the image of the Security Branch.

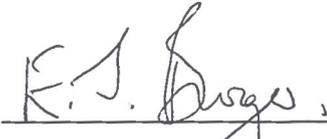
17. Our senior counsel, George Bizos SC told us to say nothing of importance on the phone as our phone would be tapped. Indeed we subsequently learned that the offices of our lawyers were bugged so that the police could listen to their preparations for the inquest.
18. Bizos also told us to secure our house because the Security Branch may attempt to break in. Indeed, his words were prophetic as this is precisely what the Security Branch did in an operation authorised from the top. Security Branch officers Steven Whitehead, the lead interrogator of Neil, and Paul Erasmus, well known for his ability to break into homes undetected, were ordered to obtain evidence to bolster the suicide version of the police. Erasmus illegally entered the family home under false pretences in order to find information that would prop up the police claim that Neil had taken his own life.
19. The question which was never answered in the inquest is. why, if Neil had in fact committed suicide, was there any need to bug offices and illegally obtain evidence to support a version, which ought to have been clear from the facts.

CONCLUSION

20. In our view, there are strong prospects that a subsequent inquest court, untainted by ideological and political influence or pressure, will come to different conclusion.

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21. For these reasons, it is the Aggett family's wish that the National Director of Public Prosecutions take the necessary steps to ensure that the inquest into Neil's death be reopened, without any further delay.


 ELIZABETH JILL BURGER

The Deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and affirmed before me at Sandton on this the 20th day of January 2020, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.


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