

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION

Case no: 2019/445

Original case no: 1982/139

In the matter of:

THE REOPENED INQUEST INTO THE DEATH
OF NEIL HUDSON AGGETT

AFFIDAVIT OF SISA NJIKELANA

I, the undersigned,

SISA NJIKELANA

do hereby state under oath and say that:

- 1 I am an adult male born on 10 August 1955. I am currently working as an entrepreneur.
- 2 The facts contained herein are within my own knowledge, unless the context indicates otherwise and are to the best of my belief both true and correct.
- 3 The purpose of this affidavit is to provide information I believe will assist this court in its investigation of the death in detention of Dr Neil Aggett (**Neil**). The contents of this affidavit should be read together with my evidence at the first inquest into Neil's death in 1982 (**the first inquest**) and I have not repeated all the aspects canvassed therein, save to give clarity or more detail, or to clarify certain matters that were not reflected correctly in the initial inquest proceedings.



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ACTIVISM

- 4 In 1981, I was the vice president of the South African Allied Workers Union (“**SAAWU**”) based in East London. SAAWU was not a political or banned organisation although it was one of the more politically oriented than other unions of the time.
- 5 I got to know Neil Aggett during my visits to set up the SAAWU offices in Johannesburg. Neil Aggett was a volunteer for the Africa Food and Canning Workers Union (“**AFCWU**”). Both SAAWU and the AFCWU had an arrangement to assist one another as unions as they shared the same political outlook and principles. The arrangement was that SAAWU would use the offices of the AFCWU in Johannesburg. As a result, Neil and I would work together when I was in Johannesburg for trade union work during 1981.
- 6 I specifically recall that Neil came across as very sincere. He was extremely dedicated to his union work. He would sometimes arrive at the union offices so exhausted from his night shift at the Chris Hani Baragwaneth Hospital that he would take a nap on a wooden bench. Before you knew it, he was back on his feet and attending to workers.
- 7 We quickly became friends. I sometimes stayed at his home and Neil took me to various locations in Johannesburg to address workers.
- 8 On the night of 29 May 1981 various Security Branch (“**SB**”) officers arrived at Neil’s home to arrest me. I was taken to John Vorster Square (“**JVS**”). I was

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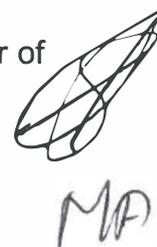
interrogated about Neil and my relationship with him. I was asked why I was staying at Neil's home and I was asked about my union activities. I was detained for a period of 10 weeks. The detention was unremarkable as far as detentions go. I was not assaulted or tortured but was subjected to the usual racist and vitriolic verbal abuse one experiences during detention.

DETENTION

- 9 I was again arrested and detained on 8 December 1981 in East London. At that time, all militant unions and unionists were targeted and harassed by the SB, which viewed them as political regardless of whether this was so.
- 10 After a short detention in East London, I was brought to Johannesburg and detained at JVS on 13 December 1981. I remained in detention at JVS until 5 May 1982. At this point I was put on trial and was only released on bail on 27 August 1982.
- 11 I was detained at the second-floor cells for males at JVS. This is where so-called political prisoners were detained. I recall that Neil Aggett, Firoz Cachalia, Jabu Ngwenya, Auret van Heerden, Frank Chikane and Samson Ndou were also detained here as political prisoners at this time.

INTERROGATION

- 12 The SB began to interrogate me roughly one week after I arrived at JVS on 21 December 1981. I was taken from the second-floor cells to the tenth floor of



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JVS. My assigned interrogators were Lieutenant Booyesen and Lieutenant Steyn.

- 13 The officers gave me a paper and pen. They instructed me to write a statement about my trade union activities and my education. The officers watched me and questioned me while I was writing. I attempted to answer their questions as best I could.
- 14 This process was repeated the next day, and every day thereafter carrying on into the first week of January 1982. Only certain public holidays were skipped. For example, on Boxing Day, I was almost interrogated by two unknown interrogators. They fetched me from my cell but at the interrogation room they were informed they I was not the person they were supposed to interrogate. They then returned me to my cell. I specifically recall the incident because one of the interrogators was referred to as "Karl Marx". I thought this alias to be rather ironic.
- 15 The attitude of Booyesen and Steyn was both polite and aggressive. They kept probing about my trade union activities insisting that I should confess to things which I had no idea about. They accused me of working for the ANC, of using the trade unions to get money from foreign organisations for the benefit of the ANC. They accused me of receiving money from Craig Williamson who, they claimed, was based in Europe that time.
- 16 I maintained that these claims were false. I stated that I did not know Craig Williamson. I got so frustrated that I occasionally argued vehemently with my

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interrogators about the falsehood of their claims. My behaviour was unusual for a detainee as it could have prompted further assaults or torture. However, I felt so aggrieved by the falseness of their claims that I had to dispute their correctness, even at the risk of further harm.

- 17 Booyesen and Steyn became frustrated. They resorted to more aggressive tactics. Major Cronwright came into the interrogation room on a few occasions and announced that he was dissatisfied with the progress of my statement. He became very aggressive and shouted at me. He grabbed me by the chest to pull me out of my seat. He then pushed me against a wall and begin to slap me across the face and punch me across the face. He visited the interrogation several times a day and each time repeated this process. I lost count of how many times he hit me.
- 18 Booyesen and Steyn did not intervene while this took place. They just stood by and silently observed Cronwright beating me. When Cronwright was finished, he would leave and I was expected to resume writing my statement as if nothing had happened. I would duly resume writing my statement waiting in fear for Cronwright's next visit.
- 19 I completed my first statement in the last week of December 1981. I handed it to Booyesen and Steyn. They told me that my first statement was "*shit*" but did not specify in which respects. They then instructed me to start writing the statement again from the beginning.



MIA

- 20 I began to write my second statement. I continued to do this for a week until I finished my second statement in the first week of January 1982.
- 21 During this time, I had an argument with Booyesen. We argued over whether the Freedom Charter had been adopted at the anti-South African Indian Council Conference that was held in Durban in 1981 ("**the anti-SAIC conference**"). My position was that it was not adopted. Booyesen insisted that it was adopted. I agreed with them that the principles that were adopted were the same as those contained in the Freedom Charter. Booyesen did not believe what I was saying. He accused me of "*talking shit*". I denied this.
- 22 After exchanging words, Booyesen left me in the office with Steyn. He then returned with leg irons which he put around my ankles. He then handcuffed my wrists. Booyesen attached the leg irons and handcuffs so that the handcuff chain was under the leg iron chain. I was made to sit on the floor.
- 23 Booyesen then placed a canvass bag over my head. At this point I could no longer see what was happening around me. I was wearing a long-sleeved shirt. I felt Booyesen and Steyn rolling up my sleeves. They began binding a cloth around my upper forearms near my bicep. I felt something cold and metallic pressing on the inside of each of my biceps.
- 24 It was at this point when I felt the first electric shocks. My entire body began to shake. I felt vibrations run through me. All I could feel was pain rippling across my entire body. I lost track of time and eventually fell over sideways. I think I passed out for a few seconds. When my consciousness was restored I felt that

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the electricity had been switched off. I assumed this was done to allow me to regain consciousness.

25 Booyesen and Steyn continued to electrocute me a number of times. I do not recall exactly how many times or how long the process took.

26 Eventually, they removed the canvass bag, the cloth, the leg irons and the handcuffs. I was seated at the table and told to continue writing my statement. I cannot remember the exact day save to say it happened in the first week of January 1982.

27 After this I continued to write my statement and wrote that the title of the document adopted at the anti-SAIC conference was "*The Freedom Charter*". I knew that if I did not write what my interrogators wanted then I would have been shocked again.

28 I also falsely admitted to having received money from Craig Williamson. I rationalised that the SB would not be able to prove any of this in court and I would fight the statement at whatever later stage in court. The same applies for the adoption of the Freedom Charter at the anti-SAIC Conference. The stakes were very high for the SB and I figured they would not let me go unless I told them something they wanted to hear even if it was untrue.

29 Later I remember while washing sometime later that I observed my upper forearms and saw that scabs had formed in the inside of my biceps where the cloth had been applied. The scabs had begun peeling off while I was washing.

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They were brownish in colour and darker than my natural skin tone. This was about three weeks after I finished my second statement.

30 Detainees collected the things they needed to wash from a room near the lifts. All of these items were then returned to this room before returning to the cells. Detainees were not allowed to take any of these items, such as towels, back to the cells after washing. Other items that were prohibited included belts. Anything that a detainee could use to harm themselves was not allowed to be kept in the cells.

31 While in detention I was occasionally visited by the inspector of detainees, Mr Mouton. He would ask me standard questions. How was my health, how was the food, how were the SB treating me, did I have any requests?

32 I did not make any complaints. I did not believe that Mr Mouton had the power to improve my situation. Nor did I trust him. I regarded my circumstances as being within the hands of the SB. Anything I said to Mr Mouton would be relayed to the SB who would exact punishment on me for revealing my true state of affairs.

33 I lied to Mr Mouton and told him that the SB was treating me well. I was desperate and hoped that the SB would cause the conditions of my detention to improve but the comment made no difference.

34 I visited the district surgeon on a few occasions. I did not report my assaults and torture to him because I feared the repercussions of doing so. Like the

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inspector of detainees, I felt the district surgeon could not genuinely assist me in my plight.

OBSERVATIONS OF NEIL AGGETT

35 During my detention, I observed Neil on a few occasions. I first saw him in late December 1981, either during washing time or while I was being taken to the tenth floor for interrogation. He looked fairly normal at the time considering he was in detention.

36 I then saw Neil in the first week of January 1982. I was in the room where our washing utensils and medicines were kept at the second-floor cells. Neil walked in the room and pointed to his forearm. I observed he was pointing to a red mark that was triangular in shape on the outside of his right forearm. The mark was almost triangular in shape. It was not an open wound. Neil did not say anything. He just showed me the mark. I understood him to be communicating to me that "*I am being tortured*" albeit non-verbally.

37 The reason for Neil's silence was that detainees were not permitted to talk to each other and when we did we kept communication brief – just greeting – as we were almost always accompanied by officers. Our main way of communicating was using the toilets. We would remove the water in the toilet bowl and speak through the pipes. We referred to this as our telephone system.



38 I then saw Neil again in late January 1982. His condition had deteriorated. He looked depressed and morose. This was just my observation. We were unable to speak.

39 I saw Neil for the last time approximately one week before this death. He was at the second-floor cell area. He appeared more depressed. I greeted him and he nodded back.

NEIL AGGETT'S DEATH

40 During the night of 4 February 1982 or early morning of 5 February 1982 I remember being woken up by a commotion. I heard the sound of a number of low voices and gates opening. This was very unusual given the time of the night. I quickly jumped up and stood on the top of my toilet to peep. That is when I saw a group of SB officers carrying Neil.

41 The officers were carrying Neil towards the shower area away from the lifts. I believed that they were taking him to the secondary staircase on the other side of the second-floor cell area. We detainees suspected that this staircase was used by SB members as an alternative means to access the second-floor cells. This staircase was always locked.

42 I attach a diagram marked "SN1" of the second-floor cells marked up to reflect:

42.1 The location of my cell (B10), from which I viewed the incident, using the words "SISA".

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42.2 The direction that Neil was being carried, using the sign "↑";

42.3 The location of the lifts on the second floor, using the sign "X";

42.4 The location of the showers, using the sign "Y"; and

42.5 The location of the secret staircase, using the sign "Z".

43 I recall how the SB officers were carrying Neil because it was the same way that Muslims carry their dead. They had lifted him up to shoulder height, with his face up and carrying him head first. Either four or six officers were carrying Neil. They were moving hastily and I could hear their footsteps but due to their haste the process was completed very quickly so I was unable to identify which officers were carrying Neil. However, I did manage to recognise Neil because of his distinctive beard and face. He was my focus in the short time I had to observe. The next day I learned that Neil had died. I viewed the moving of Neil with great suspicion.

44 The conditions of my detention suddenly, strangely and dramatically improved after Neil's death. I was given a radio, received food parcels regularly and reading material. My mother was flown to Johannesburg from East London by the Detainee Support Committee and she was allowed to visit me.

45 I do not believe that Neil voluntarily committed suicide. He was extremely committed to his work and totally dedicated to the struggle. Neil was also extremely humble. He once told me to tell workers that they should not refer to

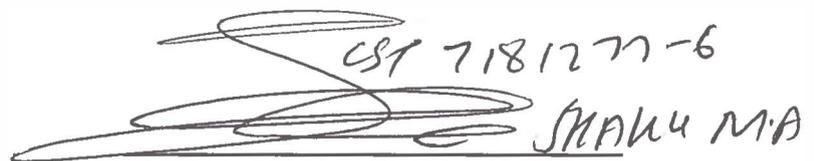
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him as "Doctor" Aggett. He did not enjoy titles. The lasting impression I have was that Neil was committed to improving the lives of workers.



SISA NJIKELANA

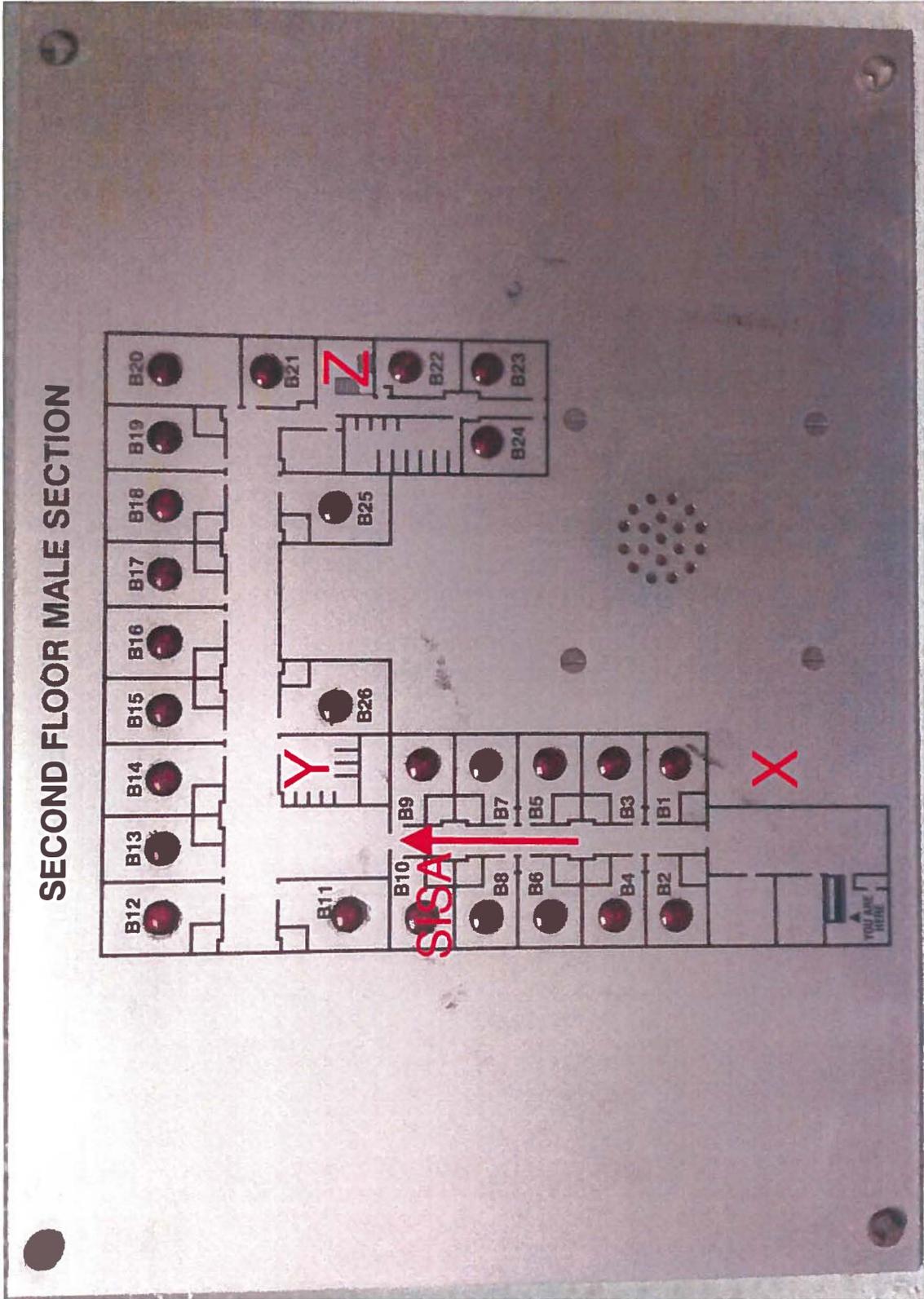
The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at SANDTON JAB on this the 03 day of February 2020, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS



"SN1"



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