

IN THE MATTER OF THE INQUEST OF THE LATE DR N H AGGETT

SUPPLEMENTARY ARGUMENT ON BEHALF OF THE AGGETT FAMILY

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A. THE SO-CALLED OBJECTIVE EVIDENCE REFERRED TO BY
PROF PLOMP

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Prof Plomp has advanced the opinion that, according to the objective evidence available, Dr Aggett showed signs of being reasonably normal during his last week. It is submitted that Prof Plomp's interpretation of the objective signs is incorrect and that, indeed, the objective evidence reveals the contrary.

A.1 The evidence of the statement of Dr Aggett

A.1.1 Prof Plomp has expressed the opinion that Dr Aggett appeared, during his last days, to have written on his statement reasonably normally, that his statement reads

logically, that words and sentences are not left out and that there are no signs of stress. He says, "Die handskrif bly deurgaans ewe gereeld".

A.1.2 The court is invited to look more carefully at these documents written by Dr Aggett and to check whether they do, in fact, bear out the remarks of Prof Plomp.

A.2 Exhibit FFF2

Lt Whitehead has told the court that this document was written out by Dr Aggett from 25 to 28 January inclusive. Lt Whitehead has explained that he sat down with Dr Aggett and explained to him the problem areas in the first statement on the morning of 25 January. He pointed out to him where the first statement needed to be amplified and this Dr Aggett duly did. An examination of the exhibit shows that it consists of amplifications, paragraph by paragraph, of the first statement, Exhibit FFF1. The

coherent state of mind at the time that it was written. On the contrary, there is evidence of a degree of confusion on the part of the writer and also evidence that Dr Aggett was being pressed to discuss intimate aspects of his relationship with Dr Floyd and others.

The last paragraph on the fifth page was clearly written in response to questions and on the sixth page, confusion and muddled sentences appear.

On subsequent pages unfinished sentences appear frequently.

A.4 Exhibit FFF4

This document is eight pages long and, according to Lt Whitehead, it was also produced during the course of the 'long weekend' but this explanation of Lt Whitehead's is difficult to accept. Judging from the content and the form, it would appear to be the logical successor to FFF2. It also takes the form of notes written to

document FFF2 is reasonably clear and, from its contents, it does not appear that Dr Aggett had any difficulty in producing it. Bearing in mind that on 25 January he was being subjected to the kind of treatment described by Maurice Smithers, Dr Aggett managed a reasonable output during the four days. If, however, as is suggested by Lt Whitehead, little pressure was placed upon him at that time, one would have expected him to produce more than 28 pages during four days. But, as will be seen later, this output was better than the output during the succeeding days and week.

A.3 Exhibit FFF3

Lt Whitehead has told the court that these rough notes were produced during the 'long weekend'. They comprise 10 pages. When parts of this document were put to Lt Whitehead in cross-examination, he admitted that the document is the product of a question and answer session. It certainly does not support the contention of Prof Plomp that Dr Aggett was in a completely normal and

supplement the first statement, FFF1. The style and the handwriting are very similar. It does not appear to have been written in answer to the various questions which were posed during the questioning which is recorded in FFF3. Neither does it contain any of the concessions against associates of Dr Aggett such as are indicated in FFF3.

The document ends suddenly in the middle of a sentence as if the interrogators looked at it, found it unacceptable and then put to Dr Aggett the questions listed in FFF3.

A.5 Exhibit FFF5

Lt Whitehead has told the court that this document, the last statement of Dr Aggett, upon which he was working at the time of his death, was produced during the four days 1 to 4 February 1982. An examination of this document will show that it is not the product of any meaningful new thought. It is simply a consolidation of material appearing in FFF1, FFF2 and FFF4. Whole sections of FFF4 are quoted verbatim. Had Dr Aggett been as

relaxed and at ease as is testified to by the police, it should have been easy for him to write out this 30 page document in one day. The fact that it took him four days to do this bears out the contention that he must, by then, have been reduced in vitality. Signs that parts of it were written under real stress are apparent from the last two sentences inserted in paragraph 25 and, of course, the notorious insertion in paragraph 1.

A.6 The meal book and the occurrences book

Contrary to what Prof Plomp has to say, the entries for 4 February 1982 in the meal book show that Dr Aggett was not able to put one of the entries in himself and someone else wrote it in for him. The meal book also shows that Dr Aggett took no meals between 28 January and 1 February. The year is wrongly indicated in the entries for 2 and 3 February.

The final entries in the complaints book show that Dr Aggett got the month wrong. As is

argued elsewhere, no importance can be attached to the fact that he stated that he had received exercise. Indeed, he says that he took three meals on 31 January which is contrary to the evidence of the meal book.

A.7 The open books

Even if the open books were intended by Dr Aggett to convey a last message, this is no evidence that his mind was, at that stage, such that he could apply himself freshly to any depth of thinking contained in those passages. They may well be passages which had come to his attention at some other stage in his life. They certainly do not, in themselves, demonstrate a capacity for deep thought at that time.

A.8 The statement to Sgt Blom

This statement certainly does not appear as the product of a trained and sophisticated mind such as Dr Aggett undoubtedly had. As a doctor, he was a keen observer. There is ample evidence before the court on how

clearly he could express himself. If Dr Aggett attached real importance to the statement which he was making to Sgt Blom and if his mind was properly functioning at that time, one would expect something far more precise, detailed and complete. There are only two corrections in his own handwriting. Had his mind been functioning precisely and correctly, one would have expected more corrections.

A.9 The failure to mention the assault of 25 January

As has been argued elsewhere, the evidence of the assault on 25 January must be believed. The fact that Dr Aggett did not mention it to the magistrate or to Sgt Blom can mean:

A.9.1 that it was of comparatively minor significance compared with all the other assaults and indignities which he had suffered; or

A.9.2 that he saw no point in mentioning it because there were no signs of

injury which could be noticed by a doctor; or

A.9.2 that he was in such a dazed and reduced state that it escaped his attention at the time.

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A.10 The taking of food

Prof Plomp has mentioned that Dr Aggett's taking of food was a sign of normality.

There is no evidence before the court that Dr Aggett did, in fact, eat his meals during his last days. Food was found in his cell after his death and on post mortem there was no food in his stomach.

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A.11 Reading on the last night

The evidence that Dr Aggett was reading when he was last seen is neutral. He may have been trying to read without being able to absorb or understand what he was reading.

B. SLEEP DEPRIVATION

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It is submitted that, after hearing all the expert evidence, it is still apparent that sleep deprivation would have been a factor in the mental condition of Dr Aggett if he was, in fact, deprived of sleep over the 'long weekend'. Although he may, in the ordinary course of events, have had an opportunity to recover during the succeeding days, the interrogators would, during the period when he was suffering from sleep deprivation and/or from assaults and shock treatment, have been able so to put themselves into a superior moral position over him as to break his spirit and make recovery impossible. That he was in such a reduced state is borne out by the objective evidence, as analysed above, and lends credence to the evidence of the fellow detainees who observed him in the cells.

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C. THE TELEX OF 4 FEBRUARY

The court would not need a psychiatrist to explain

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to it the importance, in regard to the suicide, if Dr Aggett did, indeed, hear a telex being composed in which permission was sought to arrest persons whom he had betrayed. This is a matter of common sense. Even Maj Cronwright and Lt Whitehead would have been aware of the importance of such a piece of evidence. If the facts deposed to by them are correct, they would have mentioned them in their initial affidavits.

D. THE POLICE AS OBSERVERS

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Prof Plomp appears to have conceded that there may be some validity in the article placed before the court showing that captors tend to depersonalise their captives and that they are not, therefore, good observers of their captives. It is submitted that the facts of this case demonstrate that the police at John Vorster Square, despite their close contact with Dr Aggett, placed themselves in a position where they were unable to devote the necessary skill and attention to his mental and physical state.