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Mr W Lane/TJM

4 October 1982

CONFIDENTIAL

To: Supporters of the Aggett family

Inquest - Late Dr N H Aggett


We enclose:

- (a) A supplement, dated 8 September 1982, to our report dated 12 July 1982.
- (b) A second supplement to that report which is dated today.
- (c) Our account dated 25 August 1982.
- (d) Our further account dated 27 September 1982.
- (e) A reconciliation statement dated 27 September 1982.
- (f) A budget showing the present position and attempting to forecast the financial position.

It will be seen that, as a result of the generosity of a number of supporters, the financial position is reasonably healthy. But, in view of the uncertainty of the position, further assistance will be appreciated.

Once again, we emphasise that these documents must be treated in the greatest confidence.

Yours faithfully



BELL DEWAR & HALL

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BELL, DEWAR & HALL

8 September 1982

INQUEST - LATE N H AGGETT

SUPPLEMENT TO REPORT DATED 12 JULY 1982

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The recent trial of Barbara Hogan has thrown light on the reasons for the detention of Dr. Aggett.

Paragraph 1 of our report of 12 July can, therefore, be amplified by substituting the following new paragraph:

1. The late Dr Aggett

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We have, in the course of our work on the inquest, got to know Dr Aggett fairly well. His character has been studied by our psychological and psychiatric advisers, we have met many of his friends and associates and have formed a reasonably clear view of a sensitive idealist who, after completing his medical training, decided that he could make a greater contribution towards the general health and welfare of the labouring population by applying his energies to the trade union movement than by providing ad hoc remedies for the illnesses and injuries which he encountered while working in public hospitals. Because of the connections which he formed in the course of his trade union work, he became the object of the suspicions of the security police and was eventually, on 26 November 1981, detained for interrogation. Initially the detention was effected under section 22(1) of the Internal Security Act but, as that section provided for judicial review after 14 days, he was, after the period of 14 days, detained under section 6(1) of the Terrorism Act, 1967 and brought from Pretoria to the cells at John Vorster Square.

Many others were detained at the same time. While there had been ministerial announcements, in February 1982, that very shortly a large trial would take place to prove to the public that the detentions were justified, there has, in fact, been no such trial. Instead, three individuals have been charged separately, and the majority of the detainees have been released without being charged. A number of these released detainees have been served with banning orders.

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Of the three detainees who have been charged, the case which is relevant to Dr Aggett is that of Barbara Hogan. She has been charged with treason, terrorism and furthering the aims of the African National Congress (ANC). She has admitted being a member of the ANC, and of having reported on her activities in South Africa to the ANC. From the evidence that has been led at her trial, it appears that a large number of the detentions, including that of Dr Aggett, which occurred towards the end of 1981, resulted from the security police having intercepted written reports from her to the ANC. In one of these reports, she mentions the names of about 15 people with whom she had contact in Johannesburg. One of the people whom she mentions in this document was Dr Aggett. All that she says about him is that she had discussions with him regarding labour relations. It seems quite clear that he was detained because his name appeared on this document.

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In her trial, Hogan testified that she could say with absolute certainty that Dr Aggett was not a member of the ANC. This is because, after a disagreement he had with her regarding a particular labour dispute in South Africa, she informed the ANC of his point of view and they came back to her and said that they did not know of Dr Aggett.

Immediately after Dr Aggett's death, the head of the security police was quoted in the newspapers as saying that, at the time of his death, Dr Aggett was in the process of writing a statement regarding his role in the ANC. However, the statements of Dr Aggett which have been presented to the inquest magistrate reflect a totally different situation. In the statements, Dr Aggett specifically rejects being part of the ANC. Thus,

Dr Aggett's lengthy detention would appear to have been as unjustified as that of most of the people who were detained at the end of 1981. From Hogan's case one can understand that the security police would have been interested to question Dr Aggett with regard to his relationship to her and to the ANC. But that surely is a far different cry from over two months of solitary confinement with periods of, by their own admission, "intensive interrogation" by the security police.

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At the moment the legal team is involved in preparing supplementary statements from witnesses, interviewing detainees, preparing material for cross-examination and preparing psychological evidence. All of this has involved an intensive study of the voluminous record of the proceedings to date.

W LANE
BELL DEWAR & HALL
8 September 1982

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INQUEST - LATE N H AGGETT

SECOND SUPPLEMENT TO REPORT DATED 12 JULY 1982

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This report supplements the report of 12 July 1982, as supplemented by our further report of 8 September 1982.

1. Affidavits of former detainees

Prior to the resumption of the inquest on 20 September, we and our counsel obtained further affidavits from other former detainees and we also consulted with those who had previously given affidavits and who the magistrate had ordered to be called as witnesses.

Of the former detainees who have now made affidavits for the first time, the most significant were Barbara Hogan, whose position is dealt with in the supplementary report of 8 September 1982, and also Auret van Heerden. Mr Van Heerden was, for a long time, lodged in a cell immediately opposite that of Dr Aggett. He was able to communicate with him frequently and he deposes, convincingly, to the steady deterioration in Dr Aggett's condition. Indeed, on the evening before Dr Aggett's death, he was so concerned about what he saw that he resolved that he would, the following day, warn Major Cronwright that he feared that Dr Aggett might commit suicide.

These further affidavits have been filed with the magistrate who has informed us, in chambers, that he has called for further affidavits from the police in connection with the facts deposed to by the former detainees. He has not yet ruled on whether or not he will call these further witnesses.

2. Evidence of former detainees

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The evidence of the former detainees which the magistrate had ruled to be admissible has now been heard and, we believe, they have all testified satisfactorily. Certain of the detainees have told the court how they saw Dr Aggett's condition deteriorate while he was in detention. Some of them have also testified to the torture to which they were submitted by members of the security police.

3. Evidence of the police

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The magistrate decided that, before he makes any ruling on the further affidavits which have been submitted, he would like to hear the evidence of the various policemen who interrogated Dr Aggett. We have thus, during the last few days, had the opportunity of cross-examining some of the men who say that they were, at various times, part of the interrogation team. We believe that the cross-examination has shown up that some of these men possess remarkably slight knowledge of labour and political matters so that it is fair to conclude that their presence at the interrogation must have been aimed more at the intimidation of Dr Aggett than at eliciting information by means of skilful questioning. Presumably, when the lesser individuals have completed their testimony, we will have an opportunity of cross-examining Lieutenant Whitehead who was in immediate charge of the interrogation under the overall control of Major Cronwright.

4. Future course of the inquest

It is difficult to forecast the future course. The magistrate is, presumably, withholding his ruling on the further evidence now available in the hope that some means can be devised of curtailing the length of the proceedings. There are still some further 11 former detainees who could be called as witnesses and, in respect of

each of these detainees, there are, presumably, a number of policemen who would be ready to call them liars. The matter could then become almost interminable.

Then, as we have said before, psychological evidence will be heard, particularly that of Professor Plomp, whose testimony will, we expect, suggest that the police could not have expected Dr Aggett to commit suicide.

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5. The alleged further statements of Dr Aggett

The police persist in their claim that Dr Aggett, in his last few days, was determined to 'open his heart' and that he made a large number of additional written statements. They, however, refuse to produce these statements.

6. General position

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Generally, in the light of the proceedings during the last two weeks, we have made a reasonable impact on the magistrate. Unfortunately time does not permit us to expand in greater detail.

W LANE
BELL DEWAR & HALL
4 October 1982