

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

A F F I D A V I T

I, the undersigned,

AURET VAN HEERDEN,

hereby make oath and say:

1. I am an adult male post graduate student, 27 years of age, and reside at 49 Mendelsohn Avenue, Glendower, Johannesburg.
2. I was detained for 14 days under section 22 of the General Law Amendment Act on 24 September 1981. Thereafter I remained in detention under section 6 of the Terrorism Act. Towards the end of March 1982, I was transferred from detention under section 6 of the Terrorism Act to detention under section 12B of the Internal Security Act. I was ultimately released from detention on 9 July 1982.
3. I was initially detained from 24 September to 29 September 1981 at John Vorster Square where I was interrogated. From then until 23 October I was held at Pretoria Central. I was then transferred

to Sandton Police Station cells and was held there until 17 November. I was then held at the Benoni Police Station cells until 3 December. On 3 December I was transferred back to John Vorster Square where I was held in the second floor cells. My cell number at John Vorster Square was cell 215. I was held at the John Vorster Square cells until my release on 9 July 1982.

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4. Prior to my detention I was a friend of Neil Aggett. I had known him for a number of years before my detention. I had discussed trade union affairs and policy with him on a number of occasions, and also the relationship between political movements and trade unions. These discussions were pertinent to my studies into trade union organisations, and Neil and I therefore shared a common interest.
  5. I can remember Neil being brought into John Vorster Square on 11 December 1981. He was allocated cell 209, one of the two cells which had a door opposite the door of my cell. This other cell, next to 209, was cell 208.
  6. From the time that Neil was brought into detention, he and I established a form of communication between ourselves. When the guards opened the doors for meals, Neil and I could talk to each other, across the passageway, through the grilles of our cells. Depending on how long the
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main doors of the cells stayed open each evening, we would get a chance to talk to each other, at the very least long enough to greet each other. On occasion it was as long as an hour and we had a number of lengthy discussions.

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7. The primary subject of our discussions was Neil's interrogation. This was because my interrogation had already been completed. I had been interrogated continuously from the date of my arrest until about 3 December when I was transferred to John Vorster Square. Neil would describe the kind of questions that his interrogators were asking him, how he had answered them and who was doing the questioning. Generally we discussed the personal dynamics of the interrogation, i.e. the relationship between the detainee and the interrogator. I was sometimes in a position to advise him and to offer my comments. A number of the security policemen who had been interrogating him had also interrogated me, so we could discuss these people.
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8. From the time that Neil was brought to John Vorster Square in mid-December until his intensive interrogation started towards the end of January 1982, Neil was in a fit mental and physical state. He was not unduly depressed and physically he seemed quite strong.
9. At the beginning of January Neil told me about a
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physical assault that had been made upon him while under interrogation on the tenth floor. As usual, the guards opened up our cell doors at about 4.00 p.m. in order to give us supper. When they opened Neil's door opposite, I saw him walking from inside his cell towards the grille. I could see that he was limping. When he got to the grille, I asked him what had happened. He told me that he had been taken into the general office on the tenth floor by his interrogators. They closed the door and put a desk against it so that nobody could come in. He was stripped totally naked and was made to run on the spot. He was made to do exercises like press-ups and star jumps. He was told that he was being made to do this because his statement was totally unsatisfactory. I can remember him mentioning that Van Schalkwyk was the one, because he later said that Van Schalkwyk actually assaulted him. There were people in the room firing questions at him. He said that the idea seemed to be to exhaust him. He said that there was an absolute pool of sweat on the ground. He said that it lasted about three hours. During that time Van Schalkwyk had clubbed him on his body and his face with his forearm. There was an item of clothing wrapped around Van Schalkwyk's forearm. He said that at one stage Van Schalkwyk's watch had cut his forearm while Van Schalkwyk was assaulting him in this manner, and he showed me the cut on his forearm. His interrogators told him that this was just to give him a taste of what would happen if he did not start writing a more comprehensive statement.

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10. Neil finished typing and indexing his statement a few days after this assault. There appeared to be a lull in his interrogation. He was not sure what was going to happen to him. Both of us hoped that we would be released quite soon.
11. Then Neil told me that Lt Whitehead, one of his interrogators, had begun to play a kind of a game with him. He would grant him privileges and then take them away from him. He gave the example of his surgery books. He felt that Whitehead was holding back his surgery books, which he believed had been delivered by his support group.
12. Neil was also attempting to get to see the doctor in order that his injuries, which he had received during the assault, might be recorded. He was asking MacPherson just about every day to see the doctor. He told me that he believed that he was being deliberately blocked from seeing the doctor.
13. Then at a later stage, towards the middle of January, Neil told me that he had told the magistrate about the injuries that he had sustained. He told me that his purpose was that he wanted his injuries documented, preferably while the injury was still visible on his arm.
14. He also told me at about this time that Whitehead had started telling him that they knew he was

ying and that he should expect to be fetched. Neil reported that the words were to the effect that he (Whitehead) was going to come and fetch him late one night and was going to take him out and give him a rough time.

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15. Thereafter, during the latter part of January, the security police started taking Neil up to the tenth floor on a daily basis. Neil told me that the interrogation had changed. Before, his interrogators had been quite unspecific about the areas which they wanted him to cover. They were now giving him specific subjects that they required him to write about. One incident which he mentioned was that he had been taken into an office on the tenth floor; Maj Abrie, Cpt Struwig, Cpt Swanepoel and Lt Whitehead were there; they said to him that they did not believe he was telling the truth, and they threatened that, if from that point onwards he did not get far closer to the truth, they would give him a hard time.

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16. By mid-January 1982, I had been granted the privilege of studying in Lt Pitout's office on the tenth floor. I remember that, on a particular Friday afternoon, while I was sitting in Lt Pitout's office, Cpt Swanepoel came into his office and told Pitout that he had been put on duty for the coming Sunday from 6.00 a.m. to 6.00 p.m. Lt Pitout was not happy about this arrangement as he had something to do late on Sunday morning. When he mentioned this to Cpt

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Swanepoel, Swanepoel said the following words, "Kyk, ek glo nie hy sal so lank hou nie." It was then that I realised that they were talking about Neil. I remembered that that morning, when I had been taken from my cell, his cell was already empty. I realised that he was under interrogation and that a long period of interrogation, at least until Sunday, was envisaged. I made a mental note of the date which was Friday, 29 January. I deduced that Neil was now undergoing the rough time that Lt Whitehead had threatened.

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17. I did not see Neil in his cell at suppertime that night of Friday, 29 January. I also did not see him at all on Saturday, 30 January. I was now worried about him.
18. On the morning of Sunday, 31 January, I realised that Neil was back in his cell, because food was brought to his door. However, it was obvious that something strange had happened, because Neil was not coming to his door to collect the food. At suppertime, his food from lunch was still there but it was untouched. The guard who was bringing supper called to him but got no response and left the food there. So both his lunch and his supper stood untouched outside his door. I then called the guard and asked him what was going on with Neil. He indicated that Neil was sleeping.
19. Again, on the morning of Monday, 1 February, he
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was out of his cell by the time I was taken out. On Monday evening, when they opened my door for supper, I saw Neil coming from inside towards his cell door. I made as if to greet him and he immediately hesitated and did not walk any nearer to the grille. I was puzzled and beckoned him to come closer. We then communicated with each other in very low undertones and with a combination of hand signs and whispers. He indicated to me that the people upstairs on the tenth floor knew that he and I had been speaking. Thus he did not want to speak. I asked him how they knew. He pointed around the corner towards the guard. I then asked him what had happened and he made signs with his hands indicating that he had been broken. It was as if a stick was being broken. At the same time as he made this hand signal, he actually whispered the words, "I've broken". He was very downcast; everything about him spoke of defeat and resignation. I asked him what they had done to him. He indicated that they had given him electric shocks and that he had been kept awake and standing for a certain amount of time. I asked him what the implications were and he said that he had been forced to say that he had SACTU links. He said, and I quote verbatim, "They forced me to say that I am a communist". He then started crying and said, "They just must not ask me any more questions". Our conversation stopped shortly after that.

20. I can't remember whether I spoke to Neil on Tuesday, 2 February. However, on the afternoon of



Wednesday, 3 February, the entire investigation staff went out for a braaivleis. I was taken down to my cell at about 12.00 p.m. Neil was already in his cell. When the guards opened the door at the usual suppertime, about 4.00 p.m., Neil came to the door and I began speaking to him. He was very nervous about the fact that he had been brought down early. He interpreted this as meaning that they had started to interrogate other people on the basis of things that he had said, and that they were now putting him aside to work on others. The person he specifically feared for was Elizabeth Floyd. I told him that he was over-reacting and informed him about the braaivleis. He was very depressed, tearful, a totally different person from the person I had known before. I was desperately trying to lift his spirits and to perk him up. I kept saying to him that he should not give up at this stage. I told him he should just try in his mind to emphasise the positive aspects. It was difficult to communicate with him and I don't think I got through to him. He indicated to me that he felt that for the foreseeable future he would remain in detention.

21. The next morning, Thursday, 4 February, on my way to the showers, I passed Neil just outside my cell. He was coming down the passage walking west to east and I was heading east to west to go and fetch my shower kit. I presume that he was coming back from the showers. He was walking on his own. I greeted him and said, "How's it Neil". He

looked up and there was virtually no acknowledgment or recognition in his eyes. His posture was very slumped over. He was completely downcast. He moved his right arm slightly as an attempt at a greeting. This was totally out of character because normally if we met in this way he would have stopped and we would have said a few words to each other and then moved along. He was walking very slowly. He was listless.

22. That evening, when the doors were opened for supper, he looked so bad that I actually decided not to talk to him. I now realised that, since he had come back from his session on the tenth floor the previous weekend, he had undergone a progressive deterioration. It was the kind of disintegration which was making him into a zombie. I felt now that, if I tried to reach out to him, it might make the whole situation worse. I actually moved away from my door so that he could not see me. The guard then came and closed my door and I stood watching Neil through my peephole until his door was eventually closed.

23. That evening and night I worried about his condition. For the first time, I began to think that he might commit suicide. I decided that the next day I would speak to Cronwright and tell him that, as a suicide risk, Neil should be transferred to a psychiatric ward or at least put into one of the suicide-proof cells. I dozed off and fell asleep. I noticed that Agenbag checked

once that night. Later, in the early morning, I heard the commotion of voices speaking in the passage, and, because this was completely out of the ordinary, I realised that Neil had died.

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24. That morning, 5 February, I confronted Lt Pitout with the fact that Neil had committed suicide. At first he feigned ignorance but then I told him that I knew, and that I had seen him building up to it. Later that day, he came to me and asked me whether I wanted to make a statement. I replied that I did. He gave me paper and a typewriter and I typed a statement which I finished the next Monday morning. I signed the statement but it was not sworn to. Lt Pitout gave it to Maj Cronwright. Maj Cronwright told me a couple of weeks later that he was not going to act on my statement. He said that this was because his men do a good job, they work hard and he was going to protect them.

25. Various security policemen questioned me about Neil on certain occasions. On one or two occasions W/O Carr and Lt Whitehead came to me and asked me if I could not conceive of the fact that Neil was working underground. I set out my reasons as to why I did not think he was working underground. Also on Christmas Eve, I had been writing my statement in Lt Pitout's office. At about 12.00 I was called through to Maj Cronwright's office and I was offered a beer. Maj

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Cronwright, Cpt Swanepoel, Lt Whitehead, Cpt Van Rensburg, Cpt Van Niekerk and a colonel from the ninth floor were there. Col Muller was also there for some of the time. At one stage Lt Whitehead came and sat next to me. He asked me if I felt that Neil might be a member of SACTU. I gave him my reasons as to why I did not believe he was a member of SACTU. It was during this session that Maj Cronwright said to Lt Whitehead that he should forget about Neil's involvement in underground activity, because if this had been the case, he would have been placed in that capacity on Barbara Hogan's list. This list is a document headed "Close Comrades", which I was shown during my detention.

26. With regard to the treatment which I received at the hands of the security police, I have the following to say:

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26.1 After a great deal of soul searching and considerable anxiety, I have taken a decision to testify as to my own treatment whilst in detention. This decision has been particularly difficult for me because I fear that I may be victimised as a result of it. Nevertheless, I believe that I have a duty to make known what I have suffered. I have a duty both to the family and friends of Neil Aggett and a duty to the public at large to do what I can to prevent the suffering of those who are in detention as well as those who may be detained in the future. Whilst I

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was in detention, Maj Cronwright repeatedly warned me that I would "suffer the consequences" if I made a statement concerning Neil Aggett or about my own torture. Maj Cronwright also warned me that, if I did make a statement, he had information which could result in charges being laid against me, and that I would be placed under a banning order. I have, however, had the advantage of being able to consult with my attorney and senior counsel. I now feel that I should not be intimidated by those threats and even the possibility of further torture at the hands of the security police because I have a duty to tell the whole truth about my detention. I have therefore decided that it is better to reveal what I know, rather than live in constant fear and anxiety.

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26.2 I was interrogated from time to time from 24 September, the date of my arrest, until 3 December 1981. On the afternoon of 17 November at about 3.30, I was taken to the tenth floor into Maj Cronwright's office. He told me that he had read my statement and that my statement was a very evasive one. He was with Maj Abrie. He said that he would now hand me over to Maj Abrie who would take me to the Benoni Police Station cells where I would be thoroughly interrogated. This was the first time that I met Maj Abrie.

26.3 W/O Prince took me next door to pack my belongings. He told me that all I could take was one change of clothing, a toothbrush and a towel. I put a litre of Liquifruit in my

bag as well because I expected to be ill-treated. I thought I might need that kind of sustenance. When Prince found the Liquifruit, he turned around and he punched me in the face with the Liquifruit in his hand which knocked me back across the room into a chair. I remember that Sgt Van Aswegen and Mr Cloete were there when this incident occurred.

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26.4 At about 4.30 p.m., W/O Prince and Maj Abrie drove me to Benoni. They kept telling me what was going to happen to me. They said that I was not going to sleep and that they were going to question me until I broke. They said they could break anybody. They said they didn't care if they killed me the way Biko had been killed.

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26.5 While I was being booked in at the Benoni cells, Maj Abrie spoke to me in low tones. He said to me that he was not going to lie to me and that, unless I told them what I knew, they were going to torture me. He said that such violence would be used that I wouldn't believe it.

26.6 Maj Abrie said that he would give me the evening to think about it. The next morning, at about 8.30, I was fetched by W/O Prince from my cell and was taken to the fourth floor of the Benoni police offices. I was taken to an office in which Sgt Van Aswegen, W/O Prince and Cpt Olivier were present. Maj

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Abrie was on the fourth floor but not in the office at the time. He later came into the office at different stages.

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26.7 I was then told to mention in point form those facts which I was concealing. I said that my statement was complete. Cpt Olivier then said that the blood supply to my head should be improved. They then handcuffed my right wrist to my left ankle and said that, if I sat down or lay down, I'd be beaten up. For the first couple of hours, every hour or so, a different hand would be chained to a different foot. I was not being asked questions. All that was expected was that I should start talking. There were always one or two interrogators in the room.

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26.8 I stood, manacled in that fashion, until 7.00 that evening when Maj Abrie, Cpt Visser, Cpt Olivier and W/O Prince returned. I had been unchained in order to eat supper at about 6.30.

26.9 The four policemen who arrived at 7.00 were accompanied by a man called Hendrik. It appeared that they had all been drinking in the police canteen. During the interrogation and torture that night, they all drank brandy. This man Hendrik, who appeared to be a police officer, also took part in the assaults.

26.10 Maj Abrie asked me if I was ready to start

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talking. I repeated that my statement was complete. An ordinary canvas bank bag was placed over my head. It was a bit too small so Cpt Visser had to tear it a bit in the corners to make it fit. Water was poured onto the bag. I was then given electric shocks. Electrodes were initially placed on my forearms and on my feet. Thereafter I was laid down on my stomach and the electrodes were placed on the back of my neck and on the small of my back. By this time I was lying in a pool of water. As the shock was administered each time, I would begin to scream and was then unable to breathe because the bag was wet. When my interrogators gauged that I could withstand it no longer, they would take the bag off and allow me to breathe. When the bag was off, they would fire questions at me and, when I was not co-operative, they would put the bag back again. At one stage the bag came off and I saw Maj Abrie ducking out of the door with wires trailing him.

26.11 Generally, Cpt Olivier was putting the bag on my head. After a while, Cpt Visser took a wet towel and began to strangle me around the neck with it. He looked into my face and asked me questions. He kept asking me when I had been recruited into the ANC. As I had never been recruited into the ANC and had never been a member of that organisation, I could not answer the question. I told Visser often that I was not a member but he would

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not accept that. He told me that he would kill me and each time he began to strangle me, I thought I was going to die. I was terrified. At another stage two of them held me and Cpt Visser pummelled my head with his flat hand. He hit me so hard with his flat hand that some of the blows made me lose consciousness for a few seconds.

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26.12 I was then sat down and a sjambok was applied to the soles of my feet. Later, W/O Prince had me on my hands and knees and was pulling me round the room by my hair. He would put his knee into my face. On another occasion, when I was seated, W/O Prince stomped on top of my feet and scraped skin off the top of my feet.

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26.13 At about 10.00 that night the next shift arrived. The four interrogators were replaced by Lt Botes and Sgt Van Aswegen. Initially I was made to stand in a corner and told to talk when I felt like talking. After a few hours, I was chained up in the same way again with my wrist handcuffed to my ankle.

26.14 I remained in a manacled position until 7.00 the next night, i.e. 19 November 1981. Maj Abrie came at about 6.00 p.m. and told me that he was now giving me until 9.00 p.m. to write down everything I knew about the ANC. I was released to my cell at about 7.00 p.m. I wrote down a number of points which I knew

from people I had associated with. At 9.00 p.m. Maj Abrie, accompanied by W/O Prince, Cpt Olivier, Lt Botes, Lt Van Aswegen and I think Cpt Visser as well, came down to my cell. Maj Abrie read my points and he said that this was acceptable and I could start writing my statement the next day.

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26.15 The effect of this torture session was that I couldn't walk properly for ten days. I couldn't bend over to put my socks or my shoes on. I had a headache continuously for about a week. I had so many lumps on my head that, if I closed my eyes, the skin pulled tight over my head. My eyes were full of red dots which were burst blood vessels. I had some cuts on my face and in particular a cut on my nose. I was kept away from my cell at the Benoni Police Station and taken up early in the morning every morning at about 6.00 to the security police offices on the fourth floor and returned to the cell at 10.00 p.m. I remained in Benoni, writing my statement, until I was transferred to John Vorster Square on 3 December 1981.

27. After the torture described above had terminated, the attitude of the security police changed dramatically. It seemed as if they had come to respect me as a result of the manner in which I had withstood their interrogation. After standing for two days with my wrist manacled to my ankle, my back had been severely injured. Cpt Visser

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himself massaged my back and arranged for me to exercise in the gym in order to recuperate. I had a civil relationship with the security police and enjoyed considerable privileges until my release. For instance, I was allowed a radio and television set in my cell and, during the day, was given the opportunity of working on my thesis. Once my injuries had healed (apart from a scar on my nose), I was also allowed regular visits from my family and friends.

28. At about the beginning of June 1982, Maj Cronwright came to me and told me that Adv Swanepoel, the Deputy Attorney-General, was coming to see me about whatever information I might have in relation to Neil's death. He said that, if I were to say anything to Swanepoel, I would suffer the consequences. A week later, Mr Swanepoel came and I told him that everything I had to say to him was contained in a statement which I had made to Lt Pitout. Mr Swanepoel said that he had never seen such a statement. He asked me what was in the statement and I repeated the contents of that statement. My attorneys saw me on 14 June 1982 for the first time with Mr Swanepoel and they advised me that I should not make a written statement until a later stage.

29. When I got out of detention on 9 July, I was given a section 183 warning and I had to surrender my passport. Sometime later I was subpoenaed in the matter of the State v Hogan, as a State witness.

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However, I was not called as a State witness.

30. I am available to give evidence at the inquest.

*[Signature]*

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at Johannesburg on the 20<sup>th</sup> day of September 1982.

*[Signature]*

COMMISSIONER OF OATHS

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DESIGNATION *Assistant Manager*

KOMMISSARIS VAN EDE KRAGTENS MY AMP AS BESTUURDER VAN  
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