

FGK 2(4) 2 (a)

# INTERVIEWEE INFORMATION

FIRST NAME

Michael

REFERENCE NUMBER

CT/00410

LAST NAME

Aggett

SEX



F

OTHER NAMES

"Mike"

DATE OF BIRTH

16/03/46

CURRENT ADDRESS (PHYSICAL)

9 Grselda Place  
Somerset-west  
7130

POSTAL ADDRESS

← Same

TELEPHONE

(024) 513-457

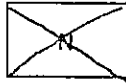
CONTACT PERSON: Maus Aggett  
TELEPHONE: ← Same  
ADDRESS: ← Same

LANGUAGE OF CHOICE

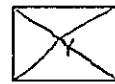
English

HAVE YOU HAD ANY PREVIOUS CONTACT WITH THE TRC?

Y



HAS CONSENT FOR THE INTERVIEW BEEN GRANTED?



N

COULD YOU TELL ME WHAT IT IS THAT YOU WERE EXPECTING FROM TODAY?

He wants the truth to be known.  
He also would like to know why his  
brother was arrested and what really happened.

WOULD YOU LIKE A PUBLIC HEARING?



N

TOTAL NUMBER OF PAGES OF STATEMENT:

2 OF 17

## STATEMENT

3

REFERENCE NUMBER

CT/00410

(Neil Aggett) was a trained doctor working at Baragwanath Hospital but <sup>was</sup> also a doctor at Baragwanath Hospital. Trade Unionist most of the time. He was followed by the security police 70 days before his death. He was arrested early one morning. Until his death he was in solitary confinement. Only allowed 1 visit for 30 minutes for the 70 days. (Neil Aggett) <sup>died</sup> on the 05 Feb. 1982. He was never charged with anything, but seemed to be targeted because of the fact that he was a trade unionist.

(Neil Aggett) was found hanging in his cell at John Vorster Square in Johannesburg.

(Joyce) mother and sister visited him.

STATEMENT TAKE FROM: J. N. N.

ID:

4603165076008

WITNESS: COOxle

TYPE:

ID

DATE: 24/04/96

TOTAL NUMBER OF PAGES OF STATEMENT:

3 OF 17

## STATEMENT

3

REFERENCE NUMBER

CT/00410

(Neil) was (detained) at Pretoria Central Prison as well but (Michael) is not quite sure if he spent most his detention at John Vorster Square. (Dr his Floyd) was a girlfriend of Neil's and she was also arrested when (Neil) was arrested. Security policemen arrested <sup>him</sup> throughout his entire detention period they had control of him. Roundabout 27/28 Nov 1981 he was arrested. There was an inquest held in April. (Michael) is not sure of the date when the inquest started. It went on and off until about December 1982.

STATEMENT TAKE FROM:

J. Nuv

ID: 4603165076008

WITNESS:

Coonche

DATE:

24/04/96

TYPE:

ID

TOTAL NUMBER OF PAGES OF STATEMENT:

40/17

## STATEMENT

3

REFERENCE NUMBER

CT/00410

There was a post mortem. Irregularities seemed to occur. The magistrate at the inquest was a member of the brotherhood. His name was (Mr. P.A.S. allow private Kotze) (Mr. Erasmus), a security policeman entered Michael's father's place illegally, shortly before the inquest. (Mr. Erasmus) was under orders from (Mr. Steven Whitehead) who was a lieutenant. (Neil's) mother received death threats over the phone after his death.

The post-mortem had to be stopped to allow private pathologists to come in.

(Steven Whitehead) was the chief interrogator during (Neil's) detention at John Doster Square

STATEMENT TAKE FROM:

J. King

ID:

4603165076008

WITNESS:

CPONKE

TYPE:

ID

DATE:

24/04/96

TOTAL NUMBER OF PAGES OF STATEMENT:

5 OF 17

## INTERVIEWEE DETAILS

2 (b)

INTERVIEWEE NAME

Michael Aggett

REFERENCE NUMBER

CT/00410

| CV: POLITICAL / OCCUPATIONAL EDUCATIONAL DETAILS | PLACE       | DATE BEGIN | DATE END    |
|--|-------------|------------|-------------|
| No political affiliations                        |             |            |             |
| Doctor - S. A. D. F.                             | Geneva      | 1970       | still there |
| Kingswood College (std 9 & 10)                   | Grahamstown | 1963       | 1964        |
| U.C.T. Medical School                            | Cape Town   | 1965       | 1970        |
|  |             |            |             |
|  |             |            |             |
|  |             |            |             |
|  |             |            |             |

## DEMOGRAPHICS (DOMESTIC LIVING CONDITIONS)

Current Address: 6 people in the house; 1 person is a resident at U.C.T.

: private transport

: Living ± 8 years at above address (± 1988 - till now)

: ± R550/month as income

Prior to the death of his brother as well as at the time of his brother's death, Michael stayed at Nazareth Hospital (Edinburgh Medical Missionary Society) in Nazareth, Israel.

: 6 people stayed in the flat

: used public transport & sometimes he borrowed the hospital's vehicle

: lived there for ± 3 years [since ± 1981-± 1983]

: earned ± R1000/month as income

TOTAL NUMBER OF PAGES OF STATEMENT:

6 OF 7

## VICTIM INFORMATION

4 (a)

|                             |             |                  |  |
|-----------------------------|-------------|------------------|--|
| VICTIM NO.                  | 1           | REFERENCE NUMBER | CT/00410   |
| RELATIONSHIP TO INTERVIEWEE | Brother     | SEX              | F <input type="checkbox"/> M <input checked="" type="checkbox"/> |
| FIRST NAME/S                | Neil Hudson | LAST NAME        | Aggett   |
| OTHER NAMES                 | —           | DATE OF BIRTH    | 06/10/53   |
| ID DOCUMENT NO              | —           | TYPE             | —  |

CURRENT ADDRESS (PHYSICAL)  
 At the time of his death he was staying in Johannesburg. Michael is not sure where in Johannesburg Neil was staying

POSTAL ADDRESS

\_\_\_\_\_

CONTACT PERSON Liz Floyd was AND DETAILS Neil's girlfriend at the time of his death.

| CV: POLITICAL / OCCUPATIONAL / EDUCATIONAL DETAILS      | PLACE        | DATE BEGIN/ END |
|---|--------------|-----------------|
| Doctor - part-time at Baragwanath Hospital              | Johannesburg | ± 1981 - 1982   |
| Secretary of the Transvaal Food & Allied Workers' Union | Not sure     | ± 1981 - 1982   |
| Kingswood College (Std 3 - Std 10)                      | Rochemster   | 1964 - 1971     |
| U.C.T. Medical School                                   | Cape Town    | 1972 - 1978     |

## DEMOGRAPHICS (DOMESTIC LIVING CONDITIONS)

Address at the time of death as well as at the time of Neil's arrest : 2 people in the house  
 : private transport  
 : Michael's not sure how long Neil stayed there  
 : Not sure if Neil earned a salary as secretary of the Transvaal F.A.W.U.







# PERPETRATOR INFORMATION

4(b)

REFERENCE NUMBER

CT/00410

FIRST NAME/S

—

SEX

M

F

LAST NAME

—

OTHER NAMES

—

ORGANISATION

Security Police

HOW DID YOU KNOW THE NAME/ORGANISATION OF THE PERSON?

Michael's parents told him.

IDENTIFYING CHARACTERISTICS

—

RANK

—

UNIFORMS

—

UNIT

Security Police

WEAPONS

—

LANGUAGE SPOKEN

—

OTHER DETAILS

—

CURRENT ADDRESS (PHYSICAL)

John Vorster Square

POSTAL ADDRESS

—

TELEPHONE:

—

LINKED TO: VICTIM NAME

Neil Hudson Aggett

ACT NUMBER ①

2 3 4 5 6 7 8 9 10 11 12

TOTAL NUMBER OF PAGES OF STATEMENT:

10 OF 1

# PERPETRATOR INFORMATION

4(b)

REFERENCE NUMBER

CT/00410

FIRST NAME/S

—

SEX

M

F

LAST NAME

—

OTHER NAMES

—

ORGANISATION

Security Police

HOW DID YOU KNOW THE NAME/ORGANISATION OF THE PERSON?

Michael's parents told him.

IDENTIFYING CHARACTERISTICS

—

RANK

—

UNIFORMS

—

UNIT

Security Police

WEAPONS

—

LANGUAGE SPOKEN

—

OTHER DETAILS

—

CURRENT ADDRESS (PHYSICAL)

Pretoria Central Prison

POSTAL ADDRESS

—

TELEPHONE:

LINKED TO: VICTIM NAME

Neil Hudson Aggett

ACT NUMBER 1

②

3

4

5

6

7

8

9

10

11

12

TOTAL NUMBER OF PAGES OF STATEMENT:

11 of 1

# PERPETRATOR INFORMATION

4(b)

REFERENCE NUMBER

CT/00410

FIRST NAME/S

Arthur

SEX

M

F

LAST NAME

Crownright

OTHER NAMES

—

ORGANISATION

Security Police

HOW DID YOU KNOW THE NAME/ORGANISATION OF THE PERSON?

Michael's parents told him.

IDENTIFYING CHARACTERISTICS

Average build; white person; dark hair.

RANK

Major

UNIFORMS

—

UNIT

Security Police

WEAPONS

—

LANGUAGE SPOKEN

—

OTHER DETAILS

—

CURRENT ADDRESS (PHYSICAL)

John Vorster Square

POSTAL ADDRESS

—

TELEPHONE:

—

LINKED TO: VICTIM NAME

Neil Hudson Aggett

ACT NUMBER

1

2

3

4

5

6

7

8

9

10

11

12

TOTAL NUMBER OF PAGES OF STATEMENT:

12 of 12

4(b)

# PERPETRATOR INFORMATION

REFERENCE NUMBER

CT/00410

FIRST NAME/S

-

SEX

M

F

LAST NAME

-

OTHER NAMES

-

ORGANISATION

Security Police

HOW DID YOU KNOW THE NAME/ORGANISATION OF THE PERSON?

Michael's parents told him.

IDENTIFYING CHARACTERISTICS

/

RANK

-

UNIFORMS

-

UNIT

Secur. by Police

WEAPONS

-

LANGUAGE SPOKEN

-

OTHER DETAILS

-

CURRENT ADDRESS (PHYSICAL)

John Vorster Square

POSTAL ADDRESS

/

TELEPHONE:

-

LINKED TO: VICTIM NAME

Neil Hudson Aggett

ACT NUMBER 1 2 3 4 5 6 7 8 9 10 11 12

TOTAL NUMBER OF PAGES OF STATEMENT:

13 OF 1

4(b)

# PERPETRATOR INFORMATION

REFERENCE NUMBER

CT/00410

FIRST NAME/S

—

SEX

M

F

LAST NAME

—

OTHER NAMES

—

ORGANISATION

Security Police

HOW DID YOU KNOW THE NAME/ORGANISATION OF THE PERSON?

Michael's parents told him.

IDENTIFYING CHARACTERISTICS

—

RANK

—

UNIFORMS

—

UNIT

Security Police

WEAPONS

—

LANGUAGE SPOKEN

—

OTHER DETAILS

—

CURRENT ADDRESS (PHYSICAL)

John Vorster Square

POSTAL ADDRESS

—

TELEPHONE:

—

LINKED TO: VICTIM NAME

Neil Hudson Aggett  
i

ACT NUMBER 1 2 3 4 5 6 7 8 9 10 11 12

TOTAL NUMBER OF PAGES OF STATEMENT:

145/1

ADDITIONAL NOTES

REFERENCE NUMBER

CT/00 410

Lessons to be learned:

Power corrupts individuals. If people are

given too much power they will lose

control. Discrimination of any kind should not

happen. David Dison could also assist with

the investigation.

# OTHER INFORMATION

7

ATTACHED  Y  N REFERENCE NUMBER

TYPE

DESCRIPTION

ATTACHED  Y  N REFERENCE NUMBER

TYPE

DESCRIPTION

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OTHER INFORMATION

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TYPE

DESCRIPTION

TOTAL NUMBER OF PAGES OF STATEMENT:



## Susan Bukau

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**From:** Susan Bukau  
**Sent:** 16 September 2013 07:50 AM  
**To:** Chris Macadam  
**Cc:** Helena H. Zwart  
**Subject:** Move to prosecute Neil Aggett interrogators

LEGALBRIEF TODAY 16 SEPT 2013

### **Criminal: Move to prosecute Neil Aggett interrogators**

Moves are afoot to bring to book the interrogators of anti-apartheid activist Dr Neil Aggett, who died in detention in 1982, according to a report in *The Times*. Brian Sandberg, co-ordinator of the Neil Aggett Support Group, reportedly said he had received a letter from Justice Minister Jeff Radebe confirming that the Truth and Reconciliation Commission unit within his department was reviewing the Aggett case. He said **the department was considering prosecuting Aggett's interrogators — former security policemen Lieutenant Steven Whitehead and Major Arthur Cronwright**. Aggett (28), a medical doctor and trade union organiser, was found hanged in his cell in Johannesburg's John Vorster Square police headquarters on 4 February 1982. He had been interrogated continuously for more than 60 hours and had been detained without trial for more than 70 days.

**Full report in The Times**

- 16 Sep 2013
- *The Times (South Africa)*

### **Neil Aggett's interrogators may be charged**

*[We want this probed], not for revenge but because we want truth*

MOVES are afoot to bring to book the interrogators of anti-apartheid activist Dr Neil Aggett, who died in detention in 1982.

Brian Sandberg, coordinator of the Neil Aggett Support Group, said he had received a letter from Justice Minister Jeff Radebe confirming that the Truth and Reconciliation Commission unit within his department was reviewing the Aggett case.

He said the department was considering prosecuting Aggett's interrogators — former security policemen Lieutenant Steven Whitehead and Major Arthur Cronwright.

Aggett, 28, a medical doctor and trade union organiser, was found hanged in his cell in Johannesburg's John Vorster Square police headquarters on February 4 1982. He had been interrogated continuously for more than 60 hours.

He had been detained without trial for more than 70 days.

According to the SAHistory.org website, Aggett was the 51st person to die in detention and the first white person to die under such circumstances since 1963.

In March, the Sunday Times quoted National Prosecuting Authority spokesman Bulelwa Makeke as saying 350 cases had been referred to NPA investigators since the disbanding of the TRC.

In 2003, the priority crimes litigation unit took over the role of the human rights violation unit in dealing with TRC cases. The Sunday Times reported that the only successful prosecution by the government's priority crimes litigation unit for apartheid-era human rights violations was in 2007, when former law and order minister Adriaan Vlok, police chief Johan van der Merwe and three other policemen were prosecuted for the attempted murder of Frank Chikane.

Vlok and Van der Merwe received 10-year jail terms suspended for five years. The three policemen were given five-year suspended sentences.

Last week social activist and former unionist Jay Naidoo said there was a need to investigate what happened to Aggett.

"Not because we want revenge but because we want the truth. We want his interrogators to come out and say what happened," said Naidoo. — Adrienne Carlisle and staff reporter

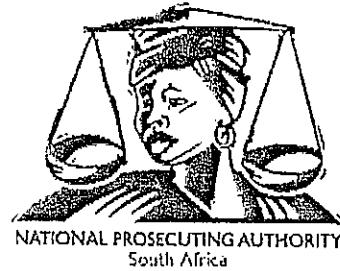
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Veliswa

Please, refer to PCHU.

C. P. [Signature]  
19/03/2013

# National Prosecution Service



|  |
|--|
| NATIONAL PROSECUTING AUTHORITY                                   |
| OFFICE OF THE DEPUTY NATIONAL<br>DIRECTOR OF PUBLIC PROSECUTIONS |
| 2013 -03- 14   |
| STRATEGY, OPERATIONS & PROSECUTIONS                              |

## INTERNAL MEMORANDUM

TO : Dr S Ramaite, SC  
Acting National Director of Public Prosecutions

Cc: Mr J D Schmidt  
Office Manager of the NDPP

FROM : Adv T Majokweni  
Acting Deputy National Director of Public Prosecutions  
Head: NPS

REF NO. : 9/2/12-113/2010 (L Veenemans)

DATE : 13 March 2013

SUBJECT: REPRESENTATION: FRIENDS OF NEIL AGGETT

|                                 |
|---------------------------------|
| OFFICE OF THE NATIONAL DIRECTOR |
| 2013 -03- 19                    |
| NATIONAL PROSECUTING AUTHORITY  |

### A. PURPOSE OF THE MEMORANDUM

1. This Office received a representation through e-mail correspondence via the Office of the Director General of the Department of Justice and Constitutional Development (attached to this memorandum as per Annexure "A").
2. The content of the representation seem to address issues that are pertinent to the mandate of your Priority Crimes and Litigation Unit (PCLU).
3. The purpose of this memorandum is to request the Acting National Director of Public Prosecutions (ANDPP) to direct that the said matter rather be dealt with by the appropriate division within the ANDPP's office, being the PCLU.

### B. CONCLUSION AND RECOMMENDATION

4. It is respectfully recommended that the content of the representation has a direct bearing to the mandate of the PCLU, and should therefore be directed to them for further handling.

5. Your attention is drawn to the fact that all responses to the office of the Director General of the Department of Justice and Constitutional Development should /must be forwarded via your Mr Danie Schmidt.

*T Matzke 13/03/2013*  
Adv T Matzke

Deputy Director of Public Prosecutions

1. Recommendation in paragraph 4 SUPPORTED/ NOT SUPPORTED

Comment: *A matter for the PCHV.*

*8*  
Adv T Majokweni

Acting Deputy National Director of Public Prosecutions

Head: NPS *19/03/13*

1. Recommendation in paragraph 4 APPROVED/ NOT APPROVED

Comment:

*9*  
Dr S Ramaite, SC

Acting National Director of Public Prosecutions

Date: *19/03/2013*

Ronel BESTER (R)

---

From: Trish Matzke  
Sent: 08 March 2013 11:17 AM  
To: Ronel BESTER (R)  
Subject: FW: AGGETT FRIENDS: STATE MUST PROSECUTE POLICEMENT RESPONSIBLE  
Attachments: CCE20130307\_0005.pdf

Pse open a file

From: Karen H. van Rensburg  
Sent: 07 March 2013 03:46 PM  
To: Jan Daniel JD. Schmidt; Trish Matzke  
Subject: FW: AGGETT FRIENDS: STATE MUST PROSECUTE POLICEMENT RESPONSIBLE

I thought we had sorted the channels out with Corlia???

From: Gresse Annelette [mailto:AGresse@justice.gov.za]  
Sent: 07 March 2013 02:33 PM  
To: Khotso De Wee Justice; Karen H. van Rensburg; Lufuno L. Mmbadi  
Cc: Kok Corlia  
Subject: AGGETT FRIENDS: STATE MUST PROSECUTE POLICEMENT RESPONSIBLE

Dear Colleagues,

The above matter and attached documentation, for your urgent attention and provision of a draft reply to the Minister via the Director-General.

Thank you.

Yours faithfully,  
Annelie Gresse  
Secretary

For Mrs Corlia Kok  
Director: Administration  
Office of the Director-General  
behalf of the DoJCD

Tel: 012 4064704  
E-Mail: [AGresse@justice.gov.za](mailto:AGresse@justice.gov.za)

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ZERO TOLERANCE FOR CORRUPTION  
National Toll-free Hotline: 0800 701 701

3/23/3

09070/2013

2013 - 02 - 04



Fr DM/PL  
28/02/13

## FRIENDS of NEIL AGGETT

Open letter to President Zuma  
for 'restorative justice'  
and related media statement:

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### Aggett friends : State must prosecute policemen responsible

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Tuesday, 5 February, marks the 31<sup>st</sup>. anniversary of the death of Dr. Neil Aggett after 70 days of police detention in 1981/2. He was a medical doctor, and a trade union organizer in Johannesburg, who together with 17 other trade unionists at that time, was detained for questioning in respect of labour and political activism.

According to records from the Aggett inquest in 1982, as well as the Truth and Reconciliation Commission's (TRC) final reports in 1998, he was brutally interrogated for 62 non-stop hours, which seemingly led to his taking his own life in his prison cells at the notorious John Vorster Square, shortly after midnight, on 5 February, 1982.

Renowned human rights jurists, Judge Chris Nicholson and Advocate George Bizos, are both on public record stating that they believe Aggett's death was "induced suicide", which is a crime under South African statutes, whereby those who caused it can be prosecuted.

The person in charge of his direct and brutal interrogation was then police officer, Lt. Steven (Stephan) Whitehead, at the instruction of his regional state security head, Maj. Arthur Benoni Cronwright. Neither have been investigated, nor prosecuted, for their heinous crimes under due national statutes.

Accordingly, Friends of Neil Aggett has today written to President Zuma, to request that he urgently instructs the Special Investigating Unit to investigate a case of culpable homicide, at least, or murder, at best, against both these men, in honour of Neil Aggett's memory.

A copy of the appeal is attached.

Jill Burger, Aggett's sister, now in the UK, has stated that "I – like so many other family members deeply affected by gross human rights violations during the apartheid era – can never find peace, or gain any closure in respect of the brutality of a securocrat state, until such vicious brutes such as Whitehead and Cronwright, and others, are dealt with properly, by way of a legitimate South African judicial system that was denied to my brother and so many others. After all, these courts are the ultimate guardians of the democracy that Neil and so many millions of South Africans lived and died for."

Sipho Kubeka, a former trade union organizer, apartheid detainee and a dear friend and comrade of Aggett, said "I was quite thrilled when COSATU's spokesperson, Patrick Craven, in early November 2012, called for Aggett's tormentors to finally be brought to book. Similarly, I was also thrilled when former General Secretary of COSATU, Cde. Jay Naidoo, wrote about Neil – in an open letter to that movement on 4 September 2012 – when he said, as we all believe, that 'Neil Aggett was murdered by Apartheid police'."

He continued: "I believe our government needs to bring closure to this horrific past, so that we might all move forward together, as a matter of urgency, to build the kind of equitable, peaceable nation that we all fought for, and still hunger after."

Ela Gandhi, grand-daughter of Mahatma Gandhi, and a legendary struggle activist for peace and social justice in South Africa, stated of Friends of Neil Aggett's appeal to President Zuma that "Judge Chris Nicholson was quite correct when he said at the Aggett biography book-launch: 'We know from Gandhi that silence becomes cowardice when occasion demands speaking out the whole truth and acting accordingly'."

She continued: "As a peace activist, nation-builder, former detainee under apartheid rule, and having supported scores of other detainees and their families during a brutal era, I would not only support the Aggett investigation and the potential prosecution of gross human rights offenders, but also a wider application of restorative justice, by way of state criminal prosecutions that stem from the TRC's compelling and alarming reports. We all need closure, to move on to peace in our land."

Gavin Andersson, a close friend of Neil's, and a founder of Friends of Neil Aggett said: "On this auspicious memorial day, we need to pay special tribute to people such as Dr. Liz Floyd, whose tireless struggle for truth and justice in honouring Neil's life and public service, have helped bring us a wider audience regarding the history of an oppressive past that so many of us endured."

"On the eve of that night's tragic death, I find it quite telling that a trade union luminary such as Mme Emma Mashinini is still haunted by her memories of Neil at John Vorster Square in January, 1982, some 31 years later" he said.

"In my humble opinion, we're generally no closer to 'restorative justice' today than when Archbishop Emeritus Desmond Tutu presented an objective analysis of a brutal past to President Nelson Mandela more than 14 years ago, Neil's brutal history aside" he added.



Aggett's biographer, Dr. Beverley Naidoo, and former South African activist – who went into exile in the UK after being detained during the time of the Rivonia Treason trial – was asked to comment on this critical appeal to President Zuma.

Speaking to Friends of Neil Aggett, she said "The timing of this appeal is incredibly well-timed, in that I am due to be interviewed about *Death of an Idealist* on 702 radio in SA on Tuesday. I had planned to – somehow – to introduce my thinking that the South African government needed to finally act on the overwhelming facts of Neil's case. This collective appeal merely reinforces my long-held belief."

Importantly, she ended her conversation by saying "Prosecutorial evidence in the Aggett matter is substantial and compelling – as any jurist will advise – given the massive records from the inquest, TRC hearings and media, over 3 decades. If the government of South Africa is genuinely honest in its aim to foster some form of palliative and restorative justice in the land, for the many thousands who bear deep and brutal scars of the past, prosecuting Cronwright and Whitehead will make a terrific start of honouring the founding ideals and legacy of the TRC, at last."

15h00 CAT (GMT +2)  
04 February 2013.

Issued by:

FRIENDS OF NEIL AGGETT  
Durban, South Africa

Media liaison:

Brian Sandberg (Co-ordinator)  
Email : [briang.sandberg@gmail.com](mailto:briang.sandberg@gmail.com)  
Mobile : + 27 83 263 4580

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Email: Beverley.naidoo@btinternet.com  
Tel: + 44 1202 766 706





## NEIL AGGETT SUPPORT GROUP

An open letter to Minister Jeff Radebe for 'justice' to be served

---

*Transmitted electronically.*

Neil Aggett Support Group  
Durban, South Africa.

Contact:  
Brian Sandberg (Co-ordinator)  
Email: [brlang.sandberg@gmail.com](mailto:brlang.sandberg@gmail.com)  
Mobile: + 27 83 263 4580

04 February 2013.

The Minister of Justice and Constitutional Development,  
Pretoria, South Africa.

PERSONAL ATTENTION : The Hon. J. T. Radebe, MP

Dear Minister

Tomorrow, 5<sup>th</sup> February, will mark the 31<sup>st</sup> anniversary of the death in detention of the late Dr. Neil Aggett, after 62 hours of brutal security force interrogation and 70 days in police detention.

NEIL AGGETT SUPPORT GROUP

We represent a coalition of civic voices that includes friends and family of the late Dr. Neil Hudson Aggett, sympathetic to our call for restorative justice by the state, by endorsing our call that you immediately instigate a criminal investigation into those directly responsible for the cause of his untimely death.



Neil Aggett Support Group | Open letter to Minister of Justice Jeff Radebe

THE COMMISSION FINDS THAT THE FAILURE OF MAGISTRATES TO TAKE THE COMPLAINTS OF DETAINEES SERIOUSLY AND THEIR RELIANCE ON THE EVIDENCE OF THE POLICE CONTRIBUTED TO A CULTURE OF IMPUNITY THAT LED TO FURTHER GROSS VIOLATIONS OF HUMAN RIGHTS. THE COMMISSION FINDS THE MINISTER OF JUSTICE RESPONSIBLE FOR THESE GROSS VIOLATIONS OF HUMAN RIGHTS.

MAJOR ARTHUR BENONI CRONWRIGHT and LIEUTENANT STEPHAN (STEVEN) WHITEHEAD

Aggett's lead-interrogator during his detention, and specifically during his 62 consecutive, non-stop hours of brutal torture that ultimately led to his taking his own life, was Lt. Whitehead, under the direction of Maj. Cronwright.

Whilst Cronwright's present whereabouts are unknown to us, Whitehead -- according to a report published in the Mail and Guardian on 9 November 2012 -- runs a security consultancy business that has done work for the South African government, apparently, as well as several other governments.

Link:

<http://mg.co.za/article/2012-11-09-00-neil-aggetts-tormentor-does-work-for-state>

Given that neither of these men applied for amnesty at the TRC, nor have they offered any form of apology to Aggett's family at any time whatsoever, we believe that this is indeed a most grave miscarriage of justice and that Whitehead's organization should be excluded from employment by our government, with immediate effect, and criminal action against both men be pursued.

SPECIAL INVESTIGATING UNIT ACT (SIU Act)

According to SIU's website, its mandate is, *inter alia*, recorded as:

The SIU may investigate any matter set out in Section 2 of the SIU Act and cover:  
- unlawful or improper conduct by any person who has caused or may cause serious harm to the interest of the public, or any category thereof.

The SIU Act empowers you, Sir, on behalf of the state, to direct the SIU to investigate a range of matters, which we strongly believe includes the potential prosecution of Maj. Cronwright and Lt. Whitehead for culpable homicide, at least, and possibly even a case for murder.

LEGAL OPINION

Judge Chris Nicholson, speaking in October 2012, at the launch of Aggett's biography, *Death of an Idealist*, is on public record as saying: "...we are left in no doubt that ... his death was an *induced suicide*" and that "lawyers would also argue that there is also a case for murder or culpable homicide".

Internationally renowned South African human rights' jurist, Advocate George Bizos, is on public record as stating that he believes Aggett's death was "induced suicide". In his seminal book, *No one to blame*, Mr. Bizos notes that "those responsible for this detention could be held criminally liable for the death if they indeed induced the person to commit to commit suicide".

#### MEDIA STATEMENT

We will be releasing a media statement later today on this matter, together with a full transcript of this letter of appeal to you. A copy of this is attached.

#### COSATU – CALL FOR CRIMINAL PROSECUTION

It should be noted that the Confederation of South African Trade Unions (COSATU) is on public record calling for the state to pursue criminal charges against Aggett's interrogators. (Refer M&G link above.)

#### APPEAL

Minister, as you yourself – together with the countless millions of other South Africans – were subjected to gross human rights violations prior to this nation's liberation from injustice, we appeal to you, at this memorial time, to consider deeply the import of formal state investigations into the criminal behaviour of Maj. Cronwright and Lt. Whitehead, specifically.

In this particular case of Aggett's death, it seems relatively easy to develop a strong, prosecutorial case. Sadly, for many others seeking similar restorative justice, the path might prove more arduous and any hoped-for outcomes might appear less certain.

However, in terms of the guiding principles of the Promotion of National Unity and Reconciliation Act in 1995, and the subsequent TRC hearings and report, we firmly believe the imperative of nation-building and much-needed social cohesion could be well-served by a Ministerial directive for an SIU investigation into the criminal charges that we feel are well-overdue against Aggett's 'tormentors'.


Sir, if we are to honour the legacy of the TRC, and its powerful work, as well as to fight the deep scourge of criminality by state employees in our land, past and present, in whatever environ, then we firmly believe that this particular case might prove a litmus test for our government's resolve.

Thank you for your attention.

Respectfully,

Brian Sandberg

Co-ordinator : Neil Aggett Support Group

 Neil Aggett Support Group | Open letter to Minister of Justice Jeff Radebe