

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 ISMAIL MOMONIAT

I, the undersigned,

ISMAIL MOMONIAT

do hereby state under oath and say that:

- 1 I am an adult male. I work for the National Treasury as the Deputy Director-General: Tax & Financial Sector Policy.
- 2 In 1982 I was 25 years old, and a junior lecturer in mathematics at the University of the Witwatersrand.
- 3 I was first detained by Major Heystek in solitary confinement under Section 22 of the Internal Security Act by the Protea Security Branch but held at John Vorster Square (JVS) cells on 26 April 1980 until 8 May 1980, related to the school boycotts at many schools in Indian and Coloured townships in Johannesburg and surrounding areas.

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4 I was politically active during the late 1970s and 1980s, in organisations such as the Black Student Society at Wits. I was the Secretary of the Transvaal anti-SAIC Committee (TASC) in 1981- to 1982, shortly before I was detained. My political activities at the time were largely at community level, where we were organising against the lack of services and facilities in our township areas, and at a political level, as we opposed the Apartheid policies of the government and fought for a non-racial and democratic South Africa. It was only later in 1983 after my detention that I was also Secretary of the Transvaal Indian Congress and served on the provincial executive of the United Democratic Front. I also joined the SACP underground much later, serving on its regional executive after it was unbanned and also worked for the ANC after it's unbanning.

5 It must be borne in mind that I am recalling events that occurred 38 years ago and it is not always possible to remember them in great detail. Some specific events like last time I saw Neil Aggett have always stayed with me and will continue to do so. Fortunately, I do have the benefit of my personal notes and affidavit prepared for the inquest into the death of Neil Aggett in 1982. My affidavit of 1982 must be read in conjunction with this affidavit.

ARREST AND DETENTION

6 I was arrested and detained a second time by the Security Branch at JVS on 20 January 1982 under Section 22 of the Internal Security Act, for two weeks which was then extended on 3 February 1982 under Section 6 of the Terrorism Act, 1967 until 21 April 1982. I was not surprised at my detention, as a few months earlier, Barbara Hogan (who I had worked with as a fellow political



activist) had been detained, followed a few weeks later by many friends of mine, including Firoz Cachalia, Prema Naidoo, Samson Ndou, Jabu Ngwenya, Fink Haysom, Auret van Heerden, Keith Coleman, and Sisa Njikelana.

- 7 At some point before my detention, I learned that they were all detained following the interception by the Security Branch (**SB**) of a list of "close comrades" compiled by Barbara Hogan. Newspapers at the time covered the detentions in much detail, with some media referring to the possibility of a "mini-Rivonia" treason trial.
- 8 I was detained in connection with the case against Barbara Hogan and questioned extensively about my association with her and her activities, but also on my political involvement in the anti-South African Indian Council campaign ("**the anti-SAIC Campaign**").
- 9 I was arrested at my parent's home in Lenasia early on the morning of 20 January 1982 and taken to the office of Major Cronwright on the tenth floor of JVS. Captain Swanepoel, who was put in charge of me, was present in the office. Cronwright informed me that they were investigating a major case involving Barbara Hogan and others. He said they knew most of what was going on in this case and mentioned a few incidents like my involvement in the anti-SAIC Campaign. He said he was aware of my involvement with the Transvaal anti-SAIC Committee (TASC) and wanted to know all about it from me.

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- 10 The SAIC, or South African Indian Council, was an apartheid structure imposed by the Apartheid government to govern those that they classified as Indians by race. Up to 1981 it was made up of nominees by the Minister responsible for Indian Affairs, but the Apartheid government then decided to have an election for the Indian community to elect 40 of 45 representatives to the SAIC. Needless to say, the community rejected this Apartheid structure. The TASC was launched in 1981 to resist the SAIC, by organising a boycott in the Transvaal of the elections in November 1981. The Natal Indian Congress ran a similar campaign in Natal, where the majority of Indians in South Africa were located. We were hugely successful in ensuring a massive boycott of around 90% of the Indian community not voting for this Apartheid structure.
- 11 At our mass rallies, we invited speakers like Albertina Sisulu, Archie Gumede, Helen Joseph and other stalwarts who were members of the ANC when it was not banned. It was illegal for any person to claim they were members or supporters of the ANC. We did so indirectly, by popularising the Freedom Charter, which was not banned as a document but was the document guiding the ANC. The TASC led to the revival of the Transvaal Indian Congress in 1983, and the formation of the United Democratic Front (UDF), when we also campaigned against the Tri-cameral System and organised the boycott of the House of Delegate elections.
- 12 The Nationalist Party government and the security police were outraged at the success of the boycott of the SAIC elections which were held on 4 November 1981. 90% of registered voters did not vote – in some constituencies like Fordsburg, over 98% did not cast their vote.

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- 13 Indeed, the very night before many were detained around 27 November 1981, we had a meeting at Prema Naidoo's house where Mr Fink Haysom was present, and where we had lots of anti-Ciskei independence pamphlets (which became "independent" that December). Prema Naidoo and Firoz Cachalia, who were both heavily involved with me in the anti-SAIC campaign, were detained, but they and the many others detained that morning in November were arrested because of the linked to Barbara Hogan.
- 14 Cronwright told me that the Transvaal anti-SAIC Committee (TASC) was an ANC front. He told me I would be wasting my time if I did not co-operate. He also said that I was obviously aware, through the press, of the other detentions and that I should know what was going on. There was talk at the time of charging those detained for treason. During one of my interrogations, in that week or the two weeks after. Cronwright brought a SACP publication and made me read the article on the anti-SAIC campaign, telling me the article was prima facie proof that the TASC was connected to the ANC and SACP.
- 15 I remember being taken thereafter to the district surgeon, probably Dr Jacobson, who I also remembered as the doctor who examined me during my previous detention.
- 16 I was then taken to cell 204 on the second floor of the John Vorster Square prison cells. I found out later, the detainee in the cell next to me was Eric Mntonga. The other detainee neighbouring me was Samuel John Thabo Lerumo in cell 205. Dr Neil Aggett was in cell 209 which was one or two cells away from Samuel Lerumo's cell.

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- 17 It is important to note that when one was under solitary confinement, you had no access to your lawyer, family or friends, and are also kept isolated from all other detainees. We could not talk to each other and it was literally impossible to do so as we were kept in our locked cells in isolation, and always escorted by security police when taken out of the cells. The only people you were in contact with were the police who oversaw you, and the security police, who took you to their offices and interrogated you. This did not mean that we did not communicate with each other surreptitiously, when we could or the opportunity arose.
- 18 In your cell, you generally had nothing, except for a sleeping mat, a blanket and a pillow, which were mostly dirty as well. Food was brought in early around 7am, and the last meal around 3:30pm or 4pm, when you are locked up for the night. At JVS, you kept water in a disposable polystyrene cup and bowl, and you had a toilet cistern in your cell. Whilst in your cell, you generally had nothing, no books (except for the bible), no pen or paper, no games. You felt every second, and every minute was like an hour, because there is nothing to do, but to sit on a hard cement bunk, sleep, exercise or read the Bible. I think I got the Quran at some point in place of the Bible.
- 19 Whilst it was generally not possible to talk to fellow detainees at JVS, particularly in the first few days of detention, I recall that during an "exercise" session (which was running or walking up and down the corridor) before a shower, when the security policemen watching me was out of sight, I saw that my close political comrade Firoz Cachalia's outer cell door was open. I went to his cell door (his steel grille door was locked) and I had a short discussion with

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him who told me about his interrogations. I obviously wanted to know from him what they knew about any of us, or our activities, to prepare myself for my interrogation.

- 20 I want to explain that as political activists, we all tried to prepare ourselves for any solitary detention spell or interrogation. There was only one certainty – if you want to be politically active against Apartheid, that sooner or later, you would be forced to be questioned or arrested by the security police, or both. We knew full well how brutal the security police were and that we could be tortured or beaten to death, and that we were physically powerless in such situations to stop them. They were an essential component of a repressive state. The key aim for any of us as political activists was to not break down, and lose control in detention, and hence mentally prepared ourselves for what we would tell the security police in such situations. One had to learn how to play a game with the security police, and how to deal with them, even if you were in extreme pain or stress.
- 21 Typically, interrogations involved questioning, assaulting and forcing the detainee to write a statement. Our approach was to always pretend to be telling them something in any statement, particularly since our public activities were not illegal in terms of the law at that time, as we were careful to never admit any contacts with the ANC or openly do anything deemed to be illegal. I must emphasise that we initiated our own campaigns, and never took any instruction from the ANC or anybody else, to do what we did.

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- 22 Telling the police of our open public activities was a ploy, as we did not want to let them know of our planning behind closed doors (to avoid the police from knowing), and the key issue for us was not to implicate fellow comrades, and not to be forced to give evidence in any trial against them. Most important, to give the impression to the interrogators that you were not openly defiant, which would almost certainly lead to brutal assaults and/or severe torture, but rather pretend you were co-operating by writing a statement, and still be ready to take a few punches, slaps, kicks and rough handling, as you were certainly not going to tell them anything material which is what they wanted to hear. So it was important to know what the security police knew and wanted, and to play a game with them, as they were playing their own game with you.
- 23 We also knew that mistakes happen in the struggle, and we could end up in jail. We did not hold that against any of our comrades if such mistakes were made. Indeed, that was the risk and price that one should be prepared for in any struggle. Barbara Hogan received a 10 year sentence, and many months of detention and brutal treatment for a small mistake, but many of us as detainees still held her in high esteem, because we knew how committed and courageous she was as an anti-Apartheid activist. To this day, I continue to hold the highest respect for Barbara Hogan, who remains a fighter for a better SA for all.
- 24 The Security Branch Officers generally treated black African detainees much worse than White, Indian and Coloured detainees, so our black African detainees got the worst treatment. This did not mean, however, that they would not be as brutal as they could be on any detainee, white or black, who they wanted information from, like Neil Aggett or Barbara Hogan. So whilst they

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would generally not provide any reading material to detainees (except possibly for the Bible), they did provide such material to detainees during these detentions, because of the pressure from the outside from organisations like the Detainees Parents Support Committee, which was formed around these detentions. However, where reading material was provided, it was only done after the security police had completed their primary interrogation. In my first detention in 1980, I did not get any reading material except for the Bible.

INTERROGATION IN 1982

- 25 My interrogation began on the morning of 21 January 1982. I was taken to the tenth floor of JVS security branch offices. I was interrogated almost every day and on at least 10 occasions, on 22, 23, 25, 26, 28 and 29 January 1982. I was also interrogated on 1, 2, 3 and 4 February 1982. Interrogations typically took place between 09h00 and 15h30.
- 26 While my primary interrogation was completed on 4 February 1982 (coinciding with the last day of Dr Aggett's life), I was called up a few times thereafter, either to be interrogated on my claims of assault or I was asked to be a state witness or sign a statement or answer some query. These second round interrogations tended to be short sessions.
- 27 On the first day of interrogation I was taken to a small room on the tenth floor with ten or more white SB officers. The presence of ten or more hostile (and often very large) white men was very threatening and intimidating. They began

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to taunt me, laugh derisively, swear at me and make racist and derogatory comments such as calling me a "coolie".

28 They surrounded me and beat me up, treating me like a bouncing ball, hitting me and pushing me to one another. They said they had me, that I would be going to jail, that they knew I was ANC, and I had better tell them everything about it, or they would beat me up. They then continued by shouting allegations of guilt and complicity to me. It was routine for them to refer to Ahmed Timol as a threat to what they could do to a detainee like me. One of the most intimidating security policemen was Captain Struwig, a very large man compared to me, and who appeared to be very senior beyond his rank, who knew that I had a (minor) heart issue and slapped my chest in the area of the heart, and threatened to deal with me if I did not talk. He called me a "coolie" several times and referred to himself as a "boer".

29 I was then pushed onto a chair behind a table, was given pencil and paper and told to start writing my statement. I felt an immense sense of relief as I had expected far greater harm to befall me, such as electric shocks. Assault by punches and smacks was relatively mild abuse and was something that we as political activists had been mentally prepared for. I also had the benefit of previous solitary confinement detention, when I was also sustained mild assault by Major Heystek at Protea Police Station. I knew that they could do what they liked to me now that I was in solitary confinement, and that I was powerless, with no access to my lawyer or any other sympathetic person. The situation was designed to demonstrate to me that I was not in control of my

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circumstances. I felt very frightened, if not terrified about what they could do to me.

30 I should add that in preparing ourselves for such possible detention, many of us as political activists at the time knew that we must try and not break under detention and lose control. Even the strongest of people could be broken under sustained torture. We would put meaningless detail into a statement, like stating what the security police knew. So I focused only on particular public anti-SAIC meetings and who the main speakers were, and that they called for a boycott of the SAIC elections. These were all public events, and reported in the media, and monitored closely by the Security Branch and their spies, who were always present both inside and outside the hall of any meeting. We were very clear that such activities were legal, even under Apartheid, and that we were not doing so because of the ANC, which was banned. We always denied we were members of the ANC, as it was illegal to be during those times. We stated proudly and loudly that we supported the Freedom Charter, and stood for a non-racial and democratic society, and that we were against Apartheid.

31 I was not told what the SB wanted me to say in this statement, but was simply told to start, and tell them everything. I would have preferred not to write any statement but under detention, with no access to my lawyer, my options were limited, and I had to make sure I did not reveal any real secrets to the SB, and to avoid further harassment or worse. After I had written a few pages the SB expressed their dissatisfaction, tore up my statement and ordered me to start again. It also became clear to me that the police were keen to finalise their

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investigations, and seemed to want me to confirm whatever information they had on Barbara Hogan and the anti-SAIC campaign.

- 32 Now and then, they would smack me or make me stand for an hour, normally naked from the waist upwards, because they said I was not co-operating or telling them everything which they claimed they knew. The SB told me that others had spoken and given information about me, so there was no point in me not telling all. This was a standard tactic that security police would use on all detainees, to make you feel that your comrades were betraying you, and you are the only stupid person holding out. I did not fall for this cheap tactic. They also repeated that if I did not co-operate, I would be jailed for 5 years at least. Captain Swanepoel and Lieutenant Venter (who I think may have come from, or was previously stationed, in, Thabazimbi) were my primary interrogators, and they reported to a large team of fellow officers, including Captain Struwig and Major Cronwright himself. Both Struwig and Cronwright would pop in now and then to shout at me or accuse me of not telling them the truth. Struwig would almost always manhandle me. He shouted at me and slapped me on the chest, whenever he saw me. He was always very aggressive. Lieutenant Venter was under Captain Swanepoel, and was far harder, and more intelligent, than Swanepoel. On the one occasion he forced me to stand naked from the waist upwards, probably in my first week of detention, he threatened to give me electric shocks and immediately went out as if to fetch the equipment to administer the shocks. Fortunately, he did not actually carry out this threat.

- 33 A Captain J N Visser also played a similar role to Struwig. He came in on a few occasions, read my statement and questioned me. He was always rude,

A J N Visser

abusive and threatening. On two occasions, he smacked me hard with his open palm. I reported this incident to Dr Jacobson and Sgt Blom, without naming him.

- 34 Others in the SB team would also pop in to read my statement whilst I was writing it, and accuse me of lying or not telling them the truth, and would either threaten, shout or smack me. For example, I remember both Warrant Officer Prince and Des Carr did this, aside from Struwig. Prince boasted that he had beaten up Firoz Cachalia, and would beat me up as well if I did not talk. I had no doubt that he would do anything to me just to extract information. Des Carr would also be present when I was been interrogated by the two officers in charge of me or others and would manhandle me on every occasion that I had contact with him.
- 35 They security police also continually boasted how they beat up other detainees, firstly because they were sadists and enjoyed beating up people, and secondly because they wanted to frighten you.
- 36 On one occasion, I asked to return to my cell early from interrogation as I was not feeling well. Swanepoel and Venter refused. This did not surprise me. It was commonly known amongst the detainees that interrogations would not be terminated early or postponed due to the detainees' state of health. In fact, I would be expected to continue writing my statement in my cell despite my protestations that I was exhausted from the days' interrogation.

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37 During the course of my twelve-day interrogation period my interrogators adopted a hostile, threatening, aggressive, abusive and assaultive approach. I was physically manhandled, struck, lifted up and shaken, made to stand against a wall, threatened with electric shock treatment, made to strip and stand semi-naked for periods of time. Des Carr sometimes came from behind and would pick me up from the chair I was sitting on and shake me. On the last occasion when I saw him, on 4 March 1982 (after Dr Aggett had died), when I refused to become a state witness, he made me stand and then took out a penknife blade and made a rapid "throat-cutting gesture" across my throat.

38 These experiences induced extreme fear and anxiety. I was afraid that my assaults could worsen at any time. I became extremely anxious about what could happen to me, whether I would have the strength to withstand the assaults and ultimately whether I would survive.

39 As time moved on I felt an increased sense of trepidation and dread. I was worried about whether I would have the strength to resist the SB's interrogation procedures or whether I would betray myself, my principles and my friends.

40 My attempts to string them out with the disclosure of known facts in my statement elicited shouting, ridicule, threats, abuse and derision from my interrogators. When I completed my second statement, I was again told that it was not adequate, and the pages were torn up in my presence. I was told that I would be punished if I continued to write 'lies' or failed to show a willingness to co-operate. They did this no matter what, and often irrespective of the statement, as they always wanted to keep the detainee on the defensive..

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- 41 I began to question my own judgment and worried about the dilemma facing me on my statement, because I wanted to tell them as little as possible. I knew and feared that no amount of information would satisfy my interrogators who unremittingly demanded that I reveal all. My failure to comply with their demands would in all probability lead to intensified physical abuse and torture.
- 42 I started having sleep disturbances, nightmares, depression, insomnia and often woke up in the middle of the night in a panic. I raged internally at my powerlessness and became acutely aware of my vulnerability.
- 43 I proceeded to write my third statement. However, while writing my third statement that contained additional information in respect of the Transvaal anti-SAIC Committee I was requested to supplement the second statement with information contained in the third statement. It confirmed my impression that the SB were in a rush to finalise the matter and needed my statement to confirm whatever they knew. Yet I believed that there was nothing in my statement that they could use to charge anybody.
- 44 I eventually completed my statement and my primary interrogation ceased on 4 February 1982. Approximately one week after my interrogation was completed Swanepoel and Venter told me that they had obtained statements from other members of the Transvaal anti-SAIC Committee and that these members had agreed to be state witnesses. They were trying to give me the impression that I would be jailed, and my comrades would give evidence against me. They also played games about wanting to know the addresses of some of the higher-profile leaders of the TASC (which I was pretty certain they

knew), but suggesting they would take me to point out where they stayed. This again was a cheap tactic to discredit a detainee, and to show the community that the detainee was providing information on others. Fortunately, these were mere threats, and they detain any other members of the TASC.

45 Once I completed my statement on 4 February 1982, my visits to the tenth floor were less regular limited to two or three times a week, if at all and for brief periods only. During these trips, I was only requested to elaborate upon points contained in my statement, or for a visit (which were only allowed after Neil Aggett died) or to meet with the police "investigating" my assault allegations.

46 My second visit to the district surgeon, Dr Jacobson, was on 5 February 1982 and I complained of assault by the SB officers. I was unaware that in the early hours of that morning that Dr Aggett had died. I was determined to ensure that there was some record of the assaults, which I could raise should I be charged. However, I referred to the abuse in vague terms, without providing detail, and without disclosing names as I feared for my safety. Nevertheless, the district surgeon persuaded me to specify the individuals and details of assaults on the basis that he was a doctor and if the matter was taken to court, I should have a record of these complaints.

47 Under Apartheid, there was no independence attached to any of these official posts or professions, be it the district surgeon, magistrate or inspector of detainees. Moreover, confidentiality was not respected. All these officials were part of one system of brutal repression and reported everything we said directly back to the security police, if not out of conviction, then certainly to not get into

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trouble with the security police. I decided to risk reporting the assaults even though I expected the district surgeon to inform my interrogators as soon as I left his surgery.

- 48 The black security policemen (Warrant Officer MacPherson (who was Coloured), Constable Chauke and others) who had dealings with us were restricted to escorting us between the cells and the interrogation offices, and other basic tasks like delivering food parcels. All the interrogators were white male policeman. Indeed, even a black security policeman who was of senior rank like a warrant officer or captain, would be ordered around by more junior ranked white policemen, to buy food for them or run errands.
- 49 On 11 March 1982, I was summoned to the tenth floor by Venter and Swanepoel. They accused me of lying to the district surgeon and suggested that I should make a statement denying the assaults. The fact that they knew of this information confirmed my fear that the district surgeon would tell the SB, even though he also appeared or pretended to be sympathetic (or feared that he would face action like the Biko doctors did).
- 50 I also learnt that other persons of apparent authority, Mr Mouton, the inspector of detainees, and Sergeant Blom, the investigator of complaints on behalf of the Minister of Justice, could not be trusted. While they claimed to be independent, the reality was that they would report everything directly to the SB. In any case, the Minister of Justice and any other Minister were the real enemy, and ultimately promoted the system of detention and torturing of detainees, so I expected no sympathy or action from them.

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DR NEIL AGGETT

- 51 I had not met Dr Neil Aggett prior to my detention at JVS. However, I came to hear of him around November 1981 soon after he was detained, having heard his name in various press reports. He and other persons mentioned in the Close Comrades list had gathered a lot of press coverage at the time of their detention in November 1981.
- 52 I knew in the first few days of my detention from the meal book (because we would read anything to pick up information) that there were at least three white detainees held at the second-floor cells at JVS. Mr Auret van Heerden, Mr Keith Coleman and Dr Neil Aggett. I knew both Mr van Heerden and Mr Coleman prior to my detention. By process of elimination I discerned that the other white detainee was obviously Dr Aggett.
- 53 During my time in detention I attempted to keep a rudimentary calendar to track the duration of my detention. I would write the day and mark with an "X" those days that I was taken out for interrogation. I marked an "E" on those days where I exercised. After Dr Aggett's death, when we were given books, I also marked the books that I read, some of my visits to the doctor, the date I changed my cell and when I was allowed some mathematics text books. I was only given these additional items after Dr Aggett's death, except for the few text books which were given to me a few days before my interrogation ended, on 29 February 1982. I did not have a paper and pen in my cell before Dr Aggett died but reconstructed the first three weeks from memory, in a way that only I would understand if I was questioned on it.



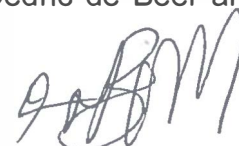
- 54 I did this to aid my memory, as one loses track of the time, including the day or the week. A detainee has no access to a radio or newspapers (but unbelievably, we were allowed novels and a radio after Dr Aggett died). Unfortunately, I did not specifically mark those occasions where I met Dr Aggett. However, the keeping of a calendar did assist me to recall roughly when I saw Dr Aggett when I testified before the first inquest in 1982.
- 55 While in detention I saw Dr Aggett on several occasions before he died. In the first few days of my detention, I caught a glimpse of Dr Aggett either in the second-floor shower area or in the corridors of the cells. We might have passed each other while being taken to shower or while walking down the corridor; or I may have passed his cell whilst "exercising" in the corridor, if his outer cell was open. I was interrogated every day during this time, on 21, 22 and 23 January 1982, and did not speak to him during this time.
- 56 I do not recall Dr Aggett being taken out with me in the early morning for interrogation in the first week of my detention. Indeed, as with most of the detainees I found they were already done with their initial round of interrogations when I was brought to JVS. I learned later that the SB resumed interrogating Dr Aggett from Monday 26 January 1982. In that week (my second week in detention) he and I were taken out for shower first in the morning, as we needed to be ready to be taken to the tenth floor for interrogation. We were kept separate (as is the normal practice) and not allowed within speaking distance. Typically, one would be exercising while the other was in the shower.

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57 I saw him frequently from that second week of my detention. It was only when we were taken to the first floor (separately, with an escort and handcuffed) to be checked out to go for interrogation, that we sometimes were next to each other and able to wink and even say hello (even at the cost of reprimand from the escorting officers, who were often the black security policeman).

58 It was shortly before this second round of interrogation started for him that Dr Aggett and I were able to have a discreet but very short chat for the first, and only, time ever. I mention this date because I know I was not interrogated on that day. After leaving the shower, I noticed that I had forgotten my towel in the shower and turned back to collect it. My recollection now is that I had forgotten my towel in the shower whereas in 1982 I testified that I had forgotten my towel on the way to the shower. The point is that on my way to or from the shower I was able to have a conversation with Dr Aggett in his cell. I also noticed that there was no security policeman watching at that moment, and as I went back, I noticed that Neil Aggett's outer cell door was open. His inner steel grill gate was still locked. I took a chance and went to his cell. I greeted Dr Aggett and introduced myself to him and he introduced himself. He was walking around in his cell, looked relaxed (as relaxed as a detainee could be), and was smoking if I remember correctly. He came over to the gate when I appeared at his gate, after which I introduced myself.

59 I asked Dr Aggett how he was and what he thought was happening in this case, and whether we would be charged or not. Dr Aggett said he did not think he was going to be charged. He thought that the state wanted to use him as a State witness against Barbara Hogan, Cedric Mason and Cedric de Beer and

A handwritten signature in black ink, appearing to be 'S. Aggett' or similar, located at the bottom right of the page.

possibly others. I did not recall seeing any books or any other items in Dr Aggett's cell - it appeared to be quite bare, as was the norm at that point.

60 Our conversation was then interrupted when Constable Chauke came to the other side of the corridor and observed us conversing. We immediately stopped talking and I returned to my cell. Constable Chauke then relayed the incident to Sergeant MacPherson and both proceeded to reprimand Dr Aggett and me for having conversed. I have no doubt this matter would have been reported to their security police bosses on the tenth floor, unless they feared being reprimanded for not doing their job, which was to have a detainee outside his cell under watch all the time.

61 In that second week of my detention, 25 - 29 January 1982, we met at least two or three times as we were both being interrogated on the same days on the tenth floor. We would go together to the first floor to sign out (at that stage the signing out desk was on the first floor of the cells), then go to the tenth-floor interrogation rooms. On my third week of detention, 1 to 5 February 1982. I also saw Dr Aggett at least once or twice on the first floor and then again on the tenth floor.

62 During the initial contact in the second week I found Dr Aggett to be as normal as a detainee can be. He did not look unduly stressed. him to be relaxed. He would always greet me, and when I greeted him, he would greet back with a smile. When I spoke to him on that first occasion at his cell, he responded very positively. Since detention was a hostile environment, away from friends and loved ones we looked forward to seeing fellow detainees and to be warm to

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each other and chat if we could, even if we were careful about what we talked about. .

63 I remember noting whilst in detention that Dr Aggett was also interrogated the weekend of 30 and 31 January, and that he had not been returned to the cells, and it was clear to me that he was now going through a very rough time by the end of the week. I remember checking in the meal book that he had not signed for his food on one or both days that weekend, and when I went to shower or exercised, that he was not in his cell (as it may have been open).

64 The security branch officer fetching me complained that I was taking too long in the shower, and that Dr Aggett was generally much quicker about showering than I was., I did not see him run or walk up and down the corridor on the days we were about to be taken to the tenth floor, perhaps because by then he was limping from his injuries at the hands of the security police. When one is under pressure like during the interrogation period, you do not really feel like exercising, but I did so because I wanted to waste time and delay going to the tenth floor. Perhaps Dr Aggett was too tired to apply this same tactic during his second round of detention.

65 On that third week of 1 to 5 February 1982, I was taken out for interrogation with him on most days of the week. I was interrogated on 1, 2, 3 and 4 February, and I know that so was Dr Aggett. I was taken to the district surgeon early morning on 5 February, not knowing that Dr Aggett had died the night of 4 February or early morning of 5 February. On that day, if I remember, there were no showers or exercise in the morning, and our cells were kept locked. Our

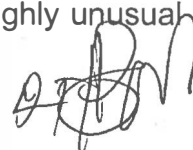


cells are locked at night and the outer cell door is a thick door, which effectively seals the detainee from everything outside. So I did not hear any commotion during the night, when the police claim that they found Dr Aggett allegedly hanging in his cell.

66 I also caught a glimpse of Dr Aggett once on the tenth floor on 1 or 2 February 1982. He was sitting on one side of a desk, and two interrogators on the other side, possibly standing. He appeared to be writing something. This was similar to what I was going through when writing my statement.

67 I do not remember the exact days that week I saw a glimpse or met Dr Aggett as we were taken out for interrogation but do remember (and will never ever forget) the last time I saw Dr Aggett, on Wednesday, 3 February 1982, where he looked in a daze. He looked in a terrible state. We were both on the first floor of the cell block and being signed out to go to the tenth floor. We were both handcuffed, as was the usual practice. Dr Aggett was already there when I arrived. He was on my right-hand side. He was taken out before me. I would like to point out that though I am 90% sure of the date, there is a very small possibility that this may have been on Thursday 4 February. At the inquest in 1982 I said it was 3 February and was interrogated on whether it was 3 or 4 February.

68 When I greeted Dr Aggett, he did not respond. I found this to be extremely strange, and quite worrying. When you are in detention without access to people you know, or who are in the same position as you, you look forward to occasions where you have contact to a fellow detainee. It was highly unusual



for him or any detainee not to do so, and this was the first and only time he had not greeted me warmly, and with a smile.

69 I noticed that Dr Aggett was oblivious to what was going on around him. He was in a daze and just stared blankly at the wall in front of him. I had already got the impression that he was going through a hard time, as he was not returned to his cell that weekend.

70 I also noticed that on Dr Aggett's forehead, probably on the right-hand side, above his eyebrows, there appeared to be a large mark. The mark was about three-quarters of an inch in diameter. It was circular in shape. I got the impression that it was a bruise or injury. It was darkish in colour. The mark stood out and as soon I saw Dr Aggett's face I noticed it. I observed him for a while, while the sign out process was being completed. I will never forget this mark, which I definitely saw; because it proved to me that he had been beaten up.

71 We were in the presence of uniformed police men stationed at the sign out point. We were also in the presence of two black SB officers that were accompanying each of us to the tenth floor. I could not ask Dr Aggett about his condition as we were not permitted to speak. This was the last time that I saw Dr Aggett alive.

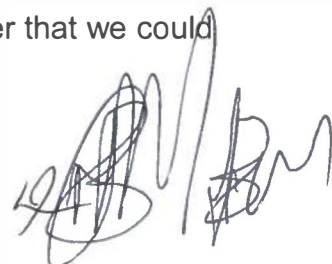
72 I testified to the above for the Aggett family during the initial inquest held in 1982. However, I now wish to place additional facts before this Court that I was not able to do at that time, as I was facing a hostile Apartheid Court with a



biased magistrate, and where the Security Branch still reigned supreme. I did not state this at the initial inquest because I did not want to put any of my fellow detainees under further pressure from the security police. Samuel Lerumo was still in detention at the time of the inquest. I feared that disclosing this would result in more pressure on him from the Security Branch, and also alert them as to how detainees communicated. We were all generally careful not to let the security police know that we had spoken to each other as detainees, and not to expose the mechanisms for communicating.

73 I was so perturbed about seeing Neil that morning that, after returning to my cell on that day, I communicated with Samuel Lerumo that I had seen Neil that morning and that he was in a very poor condition. Lerumo confirmed in response that he had also seen Neil and that Neil had blood or a bruise on his face. This is crucial because Lerumo and I had this conversation either on the very night that Neil died, or one night before. We were obviously unaware of his impending death, and yet we both noted his dire condition, and both had seen some sort of mark on his forehead.

74 Lerumo and I communicated either because my cell door was open, and he was generally told to clean the corridor, or via the toilet system. I do not remember how, but I will never forget the content of our brief discussion. We would communicate with other detainees through our toilet cisterns, which could be used as a telephone system by taking the water out. We did this particularly from the small cells, some of which had perspex on the grilles. Even then, we were always conscious when talking to each other that we could



be monitored. So, we only talked about general issues, and not any serious confidential issues.

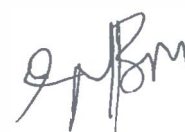
75 Several other detainees, at some point and probably after Neil had died, like Jabu Ngwenya, Auret van Heerden and Eric Mntonga told me of their experiences with Neil, which again, I chose not to disclose in my 1982 affidavit. Eric told me that Neil Aggett had said to him a few days before his death that "*Eric, I have told them everything but that they are still fucking me up. I don't know what they want from me.*" Or something to this effect.

76 Eric also told me that a black security policeman, Constable Chauke, said in front of Aggett's presence that "*Look at how he is walking/limping. We hit him on his balls*" or words to this effect. Chauke was one of the policemen who would escort us to and from interrogation. Unfortunately, Eric has passed away, and so cannot be called to testify.

CONCLUSION

77 After learning of Dr Aggett's death I was very upset, and it was hard to mourn alone in my cell for a fellow detainee. I do not to this day believe that he had taken his own life, and hold the security branch responsible for his death. The state he was in on the day I last saw him was prove enough that he was in no condition to think about how to end his life, which was very difficult to do.

78 The next day I was surprised by a visit from my parents. This was a total surprise, as I had never received any visits while under solitary confinement



detention. It was clear that the Government was forced to allow our family to visit us, following news of the death of Neil Aggett. Upon seeing them, I was clearly upset and teary. I was unable to stop myself despite the obvious distress my crying caused them. This visit was monitored by the police, who ensured that they could not tell me anything, but only ask how I was.

79 While I was grateful to see my parents, their visit exacerbated my feelings of distress. The visit intensified my loneliness and increased my desire to be free, and in a sense, made me more depressed.

80 I was placed in a smaller perspex cell the day after Neil died. It was covered with perspex to render it a so-called 'suicide proof' cell. I was eventually released on 21 April 1982.

81 After my release, I consulted with a lecturer in psychology, Alma Hannon. A report was prepared on 4 June 1982. This report was entered into the first inquest as Exhibit B7.16





ISMAIL MOMONIAT

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and affirmed before me at ROSEBANK on this the 02 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.

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0531214
Auw

COMMISSIONER OF OATHS

NB Mulans *[initials]*
15 SWPOEG AVE
ROSBANK

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