

Record of Inquest, 9 boxes

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BACKGROUND

Dr Neil Aggett (6 October 1953 - 5 February 1982) was born in Nanyuki, Kenya, and later went to school at the Kingswood College in Grahamstown. In 1976 he completed a medical degree at the University of Cape Town. Having moved to Johannesburg he became actively involved in the trade union movement as an appointed organiser of the Transvaal branch of the African Food and Canning Workers' Union.

On the 11 December 1981 Neil Aggett was detained in terms of Section 6 of the Terrorism Act 83 of 1967, initially at the Pretoria Central Prison and later transferred to the notorious police headquarter at John Vorster Square in Johannesburg. On the 5 February 1982 he was found hanging in a cell at John Vorster Square while in the custody of the South African Police, and it was alleged that he had committed suicide.

In 1982 an Inquest into the death of Dr Neil Aggett was held. The court held that the cause of death was suicidal hanging and that the death was not brought about by any act amounting to an offence on the part of any person.

In May 1982 the Minister of Law and Order et al had brought a case against three respondents, with Mr J.A.E. Aggett, father of the deceased, as Third Respondent. The Minister claimed that an affidavit by the deceased constituted inadmissible evidence and should not be used at the inquest "as it could create irreparable prejudice to the SAP and the State". Part of these proceedings are included in this collection as well.

Reference is made to our collection A2505 Dr Jonathan Gluckman.

CLASSIFICATION

- A COURT RECORDS OF INQUEST
- B EXHIBITS (No photographs)
- C HEADS OF ARGUMENT, AFFIDAVITS, STATEMENTS
- D MISCELLANEOUS ADDITIONS

COLLECTION

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- A9 Volume IX (p3519-3707)

- A9.1 Judgement
The court held: In terms of 516(2) of the Inquest Act, the identity of the deceased was established namely Neil Hudson Aggett, the cause of death was suicidal hanging, date of death was 5 February 1982, and that the death was not brought about by any act or omission involving or amounting to an offence on the part of any person.

- A10 Summary of record (1-271)

- B EXHIBITS

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B3.2	Supplementary affidavits by detainees
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B8.9	Affidavit by constable Daniel Hendrik Petrus Zeelie
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- B8.11 Schedule of returned articles signed by constable Lloyd dated 18-12-1981
- B8.12 Detainees receipt signed by N H Aggett dated 18-12-1981
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- B8.27 Pro-forma affidavit regarding finger prints of NH Aggett
- B8.28 SAP 191 form in respect of NH Aggett
- B8.29 Affidavit by Brigadier Theunis Jacobus Swanepoel
- B8.30 Affidavit by Captain Andries Abraham Struwig
- B8.31 Affidavit by Lieutenant Colonel Christiaan Stefanus Scholtz
- B8.32 Warrant of detention for Neil Aggett in terms of Section 6 of the Terrorism Act 83 of 1967, dated 11 December 1981
- B8.33 Place and condition of detention of Neil Aggett under Section 22 of the General Law Amendment Act no. 62 of 1966
- B8.34 Affidavit by Colonel Hendrik Christoffel Muller
- B8.35 Affidavit by Constable Mosoeu Paul Sehloho
- B8.36 Affidavit by Constable Andre Martin
- B8.37 Affidavit by Warrant Officer Johannes Stephanus Marais
- B8.38 Affidavit by Sergeant James Agenbag
- B8.39 Copy of a page from the Cell Register for the month of December 1981
- B8.40 Copy of a page from the Cell Register for the month of February 1982
- B8.41 Copies of 53 pages of the John Vorster Square Cells Occurance Book dating from 11 December 1981 to 5 February 1982
- B8.42 Affidavit by Warrant Officer Karel Johan De Bruin
- B8.43 Affidavit by Captain Johannes Nicolaas Visser
- B8.44 Affidavit by Warrant Officer Disre Carr
- B8.45 Affidavit by Captain Daniel Elardus Swanepoel
- B8.46 Affidavit by Warrant Officer Nicolaas Johannes Deetlefs
- B8.47 Affidavit by Lieutenant Stephan Peter Whitehead
- B8.48 Affidavit by James andrew Van Schalkwyk
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- B8.58 Affidavit by Captain Daniel Almbrechtz Brand
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- B8.60 Report by Magistrate AH Louw, regarding visit to Dr Aggett on 11-12-81, which report is dated 15-12-81
- B8.61 Report by Chief Magistrate of Johannesburg regarding visit by Magistrate PC Van Der Merwe on 17 December 1981, which report is dated 18 December 1981

- B8.62 Report by Chief Magistrate of Johannesburg regarding visit by Magistrate PC Van Der Merwe on 29 December 1981, which report is dated 29 December 1981
- B8.63 Report of Inspector of Detainees regarding visits to Dr Aggett by him on 23-12-1981 and 4-1-1982 which report is dated 6-1-1982
- B8.64 Report by Chief Magistrate of Johannesburg regarding visit by Magistrate AGJ Wessels on 6 January 1982, which report is dated 7 January 1982
- B8.65 Report by Inspector of Detainees regarding his visit to Dr Aggett on 23 December 1981, which report is dated 24-12-1981
- B8.66 Report by Inspector of Detainees regarding his visit to Dr Aggett on 22 January 1982, which report is dated 25 January 1982
- B8.67 Report by Chief Magistrate of Johannesburg regarding visit by Magistrate AGJ Wessels on 18 January 1982, which report is dated 19 January 1982
- B8.68 Affidavit by Michael Stephen Joubert dated 2 March 1982
- B8.69 Affidavit by Wessel Johannes Strydom Van Niekerk dated 10 March 1982
- B8.70 Affidavit by Josephus Johannes Hendrik Delport dated 10 March 1982
- B8.71 Affidavit by Alette Gertruida Blom dated 10 March 1982
- B8.72 Affidavit by Colonel Daniel Gert Oosthuizen dated 9 March 1982
- B8.73 Signed statement of NH Aggett dated 6 January 1982, 7 January 1982 and 8 January 1982
- B8.74 Unsigned and undated second statement of NH Aggett, as typed
- B8.75 Statement of Dr West
- B8.76 Post mortem report by family Pathologist
- B8.77 Psychiatric report by Dr Zalman Wolff

- C MINISTER OF LAW AND ORDER & OTHERS and PETRUS ARNOLDUS JURGENS KOTZE & OTHERS / CASE NO. 6533/1982, SUPREME COURT OF SOUTH AFRICA
The applicants being the Minister of Law and Order, the South African Transport Services and four members of the Security Police, objected to the reference to Neil Aggett's Affidavit, dated 4 February 1982 during the Inquest. One of the Respondents was John Aubrey Edward Aggett, Neil Aggett's father.
- C1 Main Heads of Argument Concerning admissibility of evidence. Affidavits.
- C1.1 Applicants' Heads of Argument
- C1.2 Third Respondent's Main Heads of Argument
- C1.3 Index; Notice of Motion; Affidavits, p 1a1-4, 1-126
- C2 Heads of Argument presented on behalf of the family of the deceased, by Adv. G. Bizos, p1-196
- C3 Preparatory records file
- C3a Index to Main file
- C3.1 Transcripts of Proceedings - B
- C3.2.1 Some legal aspects of the Aggett Inquest - D1
- C3.2.2 Legal argument on induced suicide - D2
- C3.3.1 Notes - EF1
- C3.3.2 Memoranda to Counsel - EF2
- C3.4 Report to MASA - G
- C3.5 Sundry statements - H
- C3.6 Interrogation chart - IJK
- C3.7 Note on BRUFEN - LM
- C3.8 Notes on Neil Aggett's cell - NO
- C3.9.1 Comparison of First and Second Statements by Neil Aggett, typed - S1
- C3.9.2 Second Statement by Neil Aggett, handwritten. It includes the phrase "I am also an idealist", which was omitted from the typed transcript of the statement submitted to the family. - S2
- C3.10 Sundry - UVW
- C4 Judgement, Supreme Court, Transvaal Provincial Division, Case 6533/1982
The Judgement allowed Neil Aggett's Affidavit of his torture to be included in the Inquest. 4 June 1982

D ATTORNEY'S CORRESPONDENCE

D1 Attorney Reports / Memoranda re. Inquest

D2 Attorney correspondence re. Inquest

E ADDITIONS

2 news paper clips relating to demands by Neil Aggett's family and friends to re-open the case of Neil Aggett's death in police custody, 2013