

A F F I D A V I T

I, the undersigned,

GILBERT JOHN MARCUS

do hereby make oath and say that :-

1. I am an adult male articled clerk currently employed by the firm of Webber, Wentzel & Co. and reside at 87 Edward Avenue, Sandringham.
2. Save where appears from the context, the facts deposed to herein are within my own personal knowledge.
3. Webber, Wentzel & Co. act on behalf of Mr Denis van Heerden whose son, Auret, was arrested on September 23, 1981 and initially detained under the provisions of Section 22 of the General Law Amendment Act, no. 62 of 1966. Thereafter he was detained under the provisions of Section 6 of the Terrorism Act, no. 83 of 1967. After several months of detention under the Terrorism Act, the terms of his detention order were once again changed to Section 12 (B) of the Internal Security Act, no. 44 of 1950. He was released from detention in July 1982.
4. Throughout the period of Auret's detention I have been in constant contact with his father and have

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provided legal advice and assistance wherever appropriate. In late January 1982 I was informed by Mr van Heerden that he had reason to believe that Auret had been assaulted by the Security Police. He was naturally concerned for his son's safety and wanted to know if it would be possible to ensure his well being in the future.

5. Early in February I attended a consultation at Mr van Heerden's office at which a friend of Auret's, Ruth Becker, was present. Miss Becker informed me that during a visit to Auret on 1 February 1982 she had been told by Auret that he had been severely assaulted by the Security Police.
6. I advised both Mr van Heerden and Miss Becker to write out what they knew about Auret's assault and undertook to arrange a consultation as a matter of urgency with senior Counsel.
7. In anticipation of the possibility of obtaining an urgent interdict restraining the Security Police from further assaulting Auret, I enquired from other attorneys who represented detainees whether they were contemplating any such similar action. Not being unmindful of the difficulties in obtaining an

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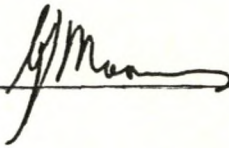
urgent interdict, I felt that the chances of such an application succeeding would be improved if several similar applications were brought simultaneously.

8. I arranged a consultation with Advocate S. Kentridge S.C. early in February to discuss the question of seeking an interdict restraining the Security Police from further assaulting Auret. Advocate Kentridge advised that the chances of such an application succeeding were not certain and in any event, even if an interdict were granted, there was no method of ensuring that it would be enforced. Nevertheless, Advocate Kentridge advised both Mr van Heerden and Miss Becker to set out their information in affidavit form should it be required at any future date. The affidavits of Mr van Heerden and Miss Becker are annexed hereto marked 'A' and 'B' respectively. I only obtained permission from Mr van Heerden and Miss Becker to disclose their affidavits on the morning of 5 October 1982.

9. In June 1982 I requested permission from the Attorney General to consult with Auret in order to advise him of his rights as a potential state witness. Permission was granted and the consultation took place in Advocate Swanepoel's rooms in the Witwatersrand Local Division of the Supreme Court on June 14, 1982. During the
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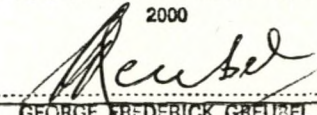
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course of the consultation Auret managed to tell me that he had been assaulted whilst held under Section 6 of the Terrorism Act. Details of the information given to me by Auret are set out in the affidavit by me annexed hereto marked 'C' which was attested on 16 June 1982.



Thus signed and sworn to at Johannesburg on this ^{5th}..... day of October 1982, the deponent having acknowledged that he knows and understands the contents of this affidavit, before me.

COMMISSIONER OF OATHS BY VIRTUE OF MY OFFICE
as Manager of the Standard Bank of South Africa Limited
78 FOX STR., JOHANNESBURG, TVL.

2000

Manager _____
GEORGE FREDERICK GREUBEL
Commissioner of Oaths

Full names : }
Capacity : } *as above*
Area : }

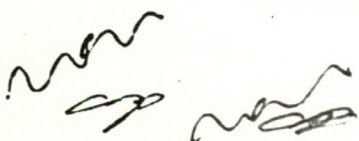
AFFIDAVIT

I, the undersigned

DENNIS ANTONIE VAN HEERDEN

DO HEREBY MAKE OATH AND SAY that -

1. I am an adult male at present residing at 49 Mendelsohn Avenue, Glendower.
2. I am the father of Auret Dennis van Heerden and Clive Read van Heerden.
3. Save where appears from the context the facts deposed to herein are within my own personal knowledge.
4. On September 23rd 1981 my son, Auret Dennis van Heerden, was arrested by the Security Police and taken to a place unknown to me. On 8th October his detention order was changed to Section 6 of the Terrorism Act.
5. After repeated requests to see Auret I was informed on 12th October 1981 by Colonel Olivier that it would not be possible at this stage.
6. On 24th October 1981 my son, Clive Read van Heerden, was detained under Section 22 of the General Law Amendment Act and taken to a place unknown to me. On 7th November 1981 his detention order was changed to Section 6 of the Terrorism Act.
7. On Wednesday 28th October 1981 I again requested that I be allowed to visit my sons, but was informed by Colonel Olivier that this was not possible.



8. On 4th November 1981 I was informed by General Coetzee of the Security Police that my requests to see my sons had been granted and that I should contact Colonel Muller to make the necessary arrangements. Colonel Muller informed me that General Coetzee's sanction notwithstanding he could not allow me to see Auret, the reason being that Auret was at this stage co-operating fully with the Security Police and that if Auret saw me, his attitude might change. Colonel Muller did however agree to my visiting Clive.
9. I visited Clive at John Vorster Square on 10th November 1981 in the presence of Colonel Muller and a Mr. van der Merwe. I found Clive to be in a good physical and mental state.
10. During the period 10th November 1981 to 1st December 1981 I made repeated requests to see Auret all of which were refused. The reason for the refusal being that Auret was still co-operating with the Security Police and not available for a visit. My concern about not being allowed to see Auret was heightened by the condition of his clothing handed to me on 13th November 1981. I showed the clothes to Sergeant Joubert of the Security Police and stated that I found it impossible to believe that clothes could get so dirty from normal wear and that it looked to me as if Auret had been manhandled. Sergeant Joubert replied that if Auret had, they would not have returned the clothing to me and that in any event I should understand that Auret was not being held in a Five Star Hotel and that the cells did not have wall to wall carpets fitted.

[Handwritten signature]

11. On 3rd December 1981 I wrote to the Minister (letter attached) expressing my concern and demanding to see Auret.
12. On 8th December 1981 I was contacted by Colonel Olivier and informed that my wife and I would be allowed to visit Auret on 17th December 1981 and Clive on 18th December 1981.
13. My wife and I saw Auret at John Vorster Square on 17th December 1981 in the presence of Warrant Officer Patou of the Security Police. We found Auret to be in good health and in good spirits, considering that he had at that stage been in detention for nearly three months.
14. On 18th December 1982 my wife and I visited Clive at John Vorster Square in the presence of Captain van Rensburg. We found Clive to be in a very poor physical and mental state. He stated that he had developed haemorrhoids which were causing him considerable discomfort. He also made the remark that they were the result of being "vertical". He also stated "sotto voco" that whatever happens he wanted us to know that we was not ashamed of anything he had done. I was so upset after seeing Clive that I contacted Captain van Rensburg and informed him that I intended writing to the Minister as I was not satisfied with Clive's physical state. Captain van Rensburg said I could do so if I wished but gave me his personal assurance that Clive would receive medical attention if necessary. For fear of having future visits stopped I decided not to write to the Minister and to assess Clive's condition at a future visit.



15. On January 21st 1982 at about 11h00 my wife and I were allowed to visit Auret. The visit took place at John Vorster Square and lasted for about 30 minutes. Other people present were two typists, a Security Policeman and for short periods Captain van Rensburg of the Security Police. Because the other people present were engaged in conversation amongst themselves, it was possible for Auret, his Mother and I to converse "sotto voce". Salient points to emerge from our conversation were:-

- (a) That he had been subjected to 24 hours of interrogation so severe that he was both physically and mentally incapable of enduring any more and as a result decided to co-operate with the Security Police. When I asked whether physical means were used he replied in the affirmative. This interrogation took place soon after his detention
- (b) That he did not, for reasons of his own disclose the nature of his interrogation to the Magistrate that visited him.
- (c) That he would almost certainly appear as a State Witness if there was a trial but that he did not feel he would be revealing any facts the Police did not already know as other Detainees had confessed.

On this occasion Auret whilst physically fit appeared to be under some mental strain.

16. On the same day we visited Clive in the presence of a Security Policeman and Captain van Rensburg. Clive appeared to be much improved since our last visit and stated that he had been


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receiving medical attention for his haemorrhoids. He stated that he had been told before Christmas that he was going to be released but that nothing had transpired. He also thought that his detention section was likely to be changed.

17. On 5th February 1982 I was informed of Neil Aggett's suicide and immediately requested an interview with Colonel Muller. Colonel Muller appeared very upset and allowed me to see Auret for a few minutes. Auret appeared nervous and under strain but assured me that he was alright.
18. The following day (6th February 1982) I was allowed to see Clive, who under the circumstances appeared to be fit and well. One of the Security Policemen present (name unknown) stated that it was their wish that "both the van Heerden boys would leave here free men". Clive indicated that he was not likely to give evidence as he had nothing to which he could testify. He also confirmed, as did Auret, that him and Auret had been allowed to see each other.
19. On 8th February 1982 I requested a further visit to Auret as the previous one had been too brief. This was granted and my wife and I saw Auret on 9th February 1982 in the presence of Warrant Officer Patou. Auret appeared to be in good health and also expressed a desire to enter for the Comrades which is held sometime in May 1982. I took this to mean that he expected to be released by then.



20. Throughout the period described above, I have been in constant contact with my legal advisers.
21. When I received the information relating to the maltreatment of Clive and Auret I immediately communicated this information to my legal advisers.
22. In consultation with my legal advisers I decided not to take any action on the allegations of maltreatment for the following reasons:-
 - (a) I was led to believe that it was unlikely that a court would grant an interdict restraining the Security Police from assaulting my sons as the evidence in my possession could easily be rebutted by the Security Police. Furthermore, I had no reason to assume that Auret and Clive would be assaulted in the future and there was therefore no impending danger which would be averted by an interdict. I was advised that even if an interdict were granted, there was no method of enforcing the order since nobody other than the Minister or a policeman acting in the course of his official duties was entitled to access to a detainee held under Section 6 of the Terrorism Act. Accordingly, I would have no means of ensuring that the order would be obeyed.
 - (b) I did not report the allegations to the Security Police as I believed this would serve no purpose at all. If the allegations were true, it would not help to report the matter to the alleged perpetrators of the assaults.



(c) I did not make the allegations of torture known to anyone other than my legal advisers because I feared that my sons would be victimised if it were found out that they had claimed to have been maltreated. I feared that they may be victimised by further assaults or by the withdrawal of the meagre privileges which had been granted to them. I was also worried that the visiting privileges that have been given to me, my wife and my sons friends would be withdrawn.

23. When I visited Auret on the 9th February 1982, I tried to indicate to him that I could take legal action on his behalf depending on his mental attitude. By virtue of the presence of Security Policemen, I was not able to spell out what action I had in mind. Auret indicated that he did not wish me to take any legal action on his behalf.
24. I have no reason to doubt the allegations made by Auret and Clive concerning their treatment in detention.



SIGNED AND SWORN TO AT JOHANNESBURG on this the 24th day of February 1982, the Deponent having acknowledged that he knows and understands the contents of this Affidavit.

BEFORE ME




COMMISSIONER OF OATHS
ANDREW JAMES SIMPSON SEBBA

Commissioner of Oaths
Ex Officio

Commissioned Officer S.A.D.F.
45 Main Street, Johannesburg 2001

AFFIDAVIT

I, the undersigned

RUTH ESTELLE BECKER

DO HEREBY MAKE OATH AND SAY that -

1. I am an adult female student at present residing at 77 van der Linde Road, Bedfordview.
2. Save where appears from the context the facts deposed to herein are within my own personal knowledge.
3. I am a friend of Mr. Auret van Heerden who is presently being detained under Section 6 of the Terrorism Act at John Vorster Square.
4. To date I have visited Auret van Heerden ^{four} ~~three~~ times in detention. All three visits took place at John Vorster Square, permission having been granted by one Captain van Rensburg on the basis of my friendship with Mr. van Heerden.
5. The first visit took place at 11 a.m. on the 18th December 1981. The visit lasted for one hour during which a security policeman by the name of Herbert remained in the office. During the visit Major Cronwright and Warrant Officer Patou came in and out of the office from time to time. I was sitting very close to Auret facing him. Auret had his back to Herbert. Herbert sat behind the desk



working, and at one stage was speaking on the telephone, during which time Auret said to me "I have been quite badly tortured". He also told me that he had been at Pretoria Central Prison and had been placed in a cell in which, if he stretched out his arm when lying on the bed, he could touch the opposite wall. Later in the conversation he referred again to torture, saying that some of the security policemen who had tortured him had come to respect him now because of the way he had taken the torture.

6. The second visit occurred on the 5th January 1982 at noon. The security policeman who was present during this visit stayed in the room, sitting in a chair next to the desk, while I sat almost parallel to him facing Auret, who sat in front of the desk. I cannot recall any reference to torture during this visit.
7. The third visit occurred at 9 a.m. on February 1st, 1982. I was taken to an office with Warrant Officer Patou when Auret was brought in handcuffed by a Black man. This man left, leaving Warrant Officer Patou in the office. Warrant Officer Patou was sitting behind the desk working. I had my back to him facing Auret who in turn was facing Warrant Officer Patou. Warrant Officer Patou called a Black man to sit in the office while he went out. At this stage Auret told me that he had been taken to



Benoni, because "it is quieter there". Auret told me that he had had his handcuffs chained to his leg iron and was made to stand that way for eleven hours. He said that a wet bag had been put over his head and he had been given electric shocks at the same time. He said that he had heard of "the bag" and electric shocks but never of the two being given together. He said that he had also been kicked and punched. He said "When they had me on that floor I thought I was going to die. I thought they are not going to believe me and I am going to die".

8. During my third visit to Auret, he also told me that Neil Aggett was in a cell across the corridor from him. He said that Neil had been taken out of his cell three days earlier and brought back early that morning. He said that Neil had not taken his breakfast that morning.
9. Throughout the period described above I have been in constant contact with Auret's father, Mr. Dennis van Heerden. I have also been in contact with Mr. van Heerden's legal advisers and have reported the allegations of torture to them.
10. I have ^{given} Mr. van Heerden an undertaking that I would not make any official complaints about Auret's maltreatment without first consulting Mr. van Heerden. I have been advised by Mr. van Heerden and his legal advisers that it is not certain whether a court would grant an interdict

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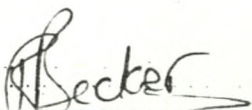
restraining the security police from assaulting Auret. The court would only have my evidence on which to judge the situation and this evidence would no doubt be denied by the security police. Furthermore, I had no reason to believe that Auret would be assaulted in the future. My impression was that the security police had tortured Auret in order to extract information from him, but would not torture him again as they already had the information they required. Accordingly, there was no impending danger which would be prevented by an interdict. I was advised that even if an interdict were granted, there was no method of enforcing the order since nobody other than the Minister and policemen acting in the course of their official duties were entitled to access to detainees held under Section 6 of the Terrorism Act. Thus, if they had the mind to do so, the security police could ignore the interdict.

11. After discussions with Mr. van Heerden, I agreed not to report the allegations to any official of the security police as I believed that this would not serve any purpose and may even have adverse consequences. I would see no use in reporting allegations of torture to the alleged perpetrators of that torture.
12. I was concerned that if the security police discovered that Auret had made these allegations, they would victimise him either by further assaults or by the



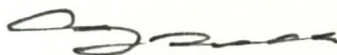
withdrawal of those privileges that he was currently enjoying. I was also concerned that I may be refused further visits to Auret if it were discovered that he had given me this information. I also did not wish to jeopardise the visiting privileges that had been granted to Auret's mother and father.

13. I have no reason to doubt the allegations made by Auret concerning his treatment by the security police.



SIGNED AND SWORN TO AT JOHANNESBURG on this the *24TH* day of February 1982, the Deponent having acknowledged that she knows and understands the contents of this Affidavit.

BEFORE ME



COMMISSIONER OF OATHS

ANDREW JAMES SIMPSON SEBBA
Commissioner of Oaths
Ex Officio
Commissioned Officer S.A.D.F.
45 Main Street, Johannesburg 2001



A F F I D A V I T

I, the undersigned,

GILBERT JOHN MARCUS,

do hereby make oath and say that -

1. I am an adult male articled clerk presently employed by the firm of Webber, Wentzel & Co., and reside at 87 Edward Avenue, Sandringham.
2. Save where appears from the context, the facts deposed to herein are within my own personal knowledge.
3. Webber, Wentzel & Co. act on behalf of Mr. Dennis van Heerden whose son, Auret, is presently being detained under Section 12(B) of the Internal Security Act No. 44 of 1950.
4. Auret van Heerden was arrested on the 23rd day of September, 1981, and was initially detained under the provisions of Section 22 of the General Law Amendment Act, No. 62 of 1966. Thereafter, he was detained under the provisions of Section 6 of the Terrorism Act, No. 83 of 1967. After several months of detention under the Terrorism Act, the terms of his detention order were once again changed to Section 12(B) of the Internal Security Act, No. 44 of 1950.
5. During the course of my professional duties, I had occasion to consult with Auret, permission having been granted by the Attorney

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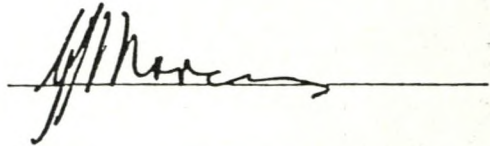
General. The consultation took place in Advocate Swanepoel's rooms at the Witwatersrand Local Division of the Supreme Court on June 14, 1982. Present at the consultation were Advocate Swanepoel, Advocate Hanekom, both representatives of the Attorney General's office, Mr. Peter Harris and myself of Webber, Wentzel & Co.

6. During the course of our consultation which lasted approximately four hours, I was able to consult with Auret privately. This was made possible by virtue of the fact that Advocate Swanepoel was not present for a large part of the consultation. While he was away, Mr. Harris engaged Advocate Hanekom in conversation while I spoke to Auret.

7. Auret told me that during the course of his detention under Section 6 of the Terrorism Act, he had been severely tortured. He said that the torture had been so bad that he could hardly walk. He said that after the torture he had been taken away to another police station simply to recuperate. He also said that the interrogation sessions had not taken place at John Vorster Square, but on the fourth floor of a police station in Benoni. He said that he did not know whether anybody had witnessed his torture, but felt that his screams may have been heard by the inhabitants of a block of flats across the road. Auret said that whilst he was being interrogated, he was severely beaten, had electrical shocks applied to him and had been strangled "to the point of blackout". He said that his principal interrogators were Major Arbrey, Warrant Officer Prince, Captain Olivier from East London and Captain Visser. He said that Captain Visser had been particularly brutal and had been responsible for the strangulation.

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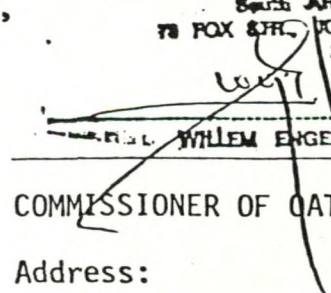
8. I asked Auret why he had not complained about his torture to the Magistrate, Inspector of Detainees or the District Surgeon. He said that he was scared that if he did so his torture would resume. He also said that he believed that complaints were referred back to those allegedly responsible for the torture. He said that he had been told by Frank Chikane that a complaint of assault made by him was taken directly to the authorities. Auret also said that he did not believe that complaints were properly investigated and as an example he said that he had complained to Mr. Mouton in October 1981 about the food and Major Cronwright had only taken up the complaint in January 1982. However, the principle reason for not complaining was the fear that he would be victimised as a result of laying a complaint. He also said that he feared the possible repercussions of consulting with me as his legal adviser.



THUS SIGNED AND SWORN TO at JOHANNESBURG on this the 16th day of JUNE, 1982, the Deponent having acknowledged that he knows and understands the contents of this Affidavit.

BEFORE ME,

COMMISSIONER OF OATHS BY VIRTUE OF MY OFFICE
as Administrative Manager of The Standard Bank of
South Africa Limited
78 FOX STR., JOHANNESBURG, T.W.
2000


Administrative Manager
WILLEM ENGELBRECHT VAN ZYL

COMMISSIONER OF OATHS.

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AGGETT, Dr Neil, Inquest, 1982

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