

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION**

Case number: 2019/445
Original case no: 1982/130

In the matter of:

**THE REOPENED INQUEST:
LATE NEIL HUDSON AGGETT**

AFFIDAVIT

I, the undersigned,

JABULANE GABRIEL NGWENYA

do hereby state under oath and say that:

- 1 I am an adult male residing at 31 Pine Road, Bedfordview and I am a shareholder and director of Ikhwezi (Pty) Ltd.
- 2 The facts contained herein are within my own personal knowledge, save where the context indicates otherwise, and to the best of my belief are both true and correct.

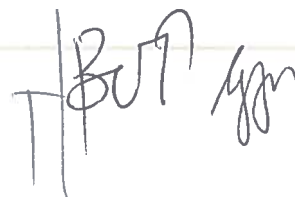
INTRODUCTION

- 3 I was born on 6 September 1954 in Botswana and grew up with my grandparents in Alexandra, Gauteng. I left Alexandra in 1965 to go and live

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with my father in Soweto. During the 1976 uprisings I became involved in the student movement. I was involved in different capacities in the struggle against apartheid in the trade union movement and assisted in raising funds for the struggle with Cedric Mason, Beyers Naude and others in the church opposed to apartheid. I also worked with the General Allied Workers Union ("**GAWU**") as an organiser, with Samson Ndou, Rita Ndzanga, Sam Poloto and Elliott Shabangu. I was also involved in conducting seminars and workshops with Reverend Mayathula.

- 4 I met Dr Neil Aggett (Neil) at his house through Sisa Njikelana. This was many years before we were all arrested.
- 5 I was detained approximately 15 times for my political activities and was in detention at JVS at the same time as Neil during 1982. During previous detentions I was interrogated and tortured by the Security Branch (SB).
- 6 I testified at the first inquest into Neil's death in 1982 and signed a statement in June 1982, while still in detention. The transcript of my testimony at the first inquest appears in the record marked **A5.2**. My statement (**exhibit AA7**), however does not appear in the record of the first inquest and I do not know the reason for this. The first leg of my detention in 1982 is detailed below - magistrate Kotze ruled that it was inadmissible in the first inquest proceedings because it was irrelevant.

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1981 - 1982 DETENTION

- 7 On Monday 9 November 1981, I was arrested at my house and detained at Protea police station (Protea) in Soweto by police officer named Trollip, who I think was a captain at the time, and other officers whose names I do not recall. I was taken to Protea police station with Tsepe Selebi. We spent a short uneventful time at Protea police station, and we were both then taken to Norwood police station.
- 8 I spent a week at Norwood police station without incident or interrogation. At approximately 9 pm on Sunday 15 November 1981, Trollip came to my cell and told me I was going to be taken to a farm at an undisclosed location for interrogation. I was handcuffed and taken to a police car and the journey began. As we were driving near Uncle Charlies a balaclava was placed over my head and pulled over my eyes. However, I was not taken to a farm but to an office at Protea police station. I tried to remove the bag on my head to see and I locked eyes with Trollip, and he slapped me across the face. I was assaulted, kicked and choked to the point that I urinated in my pants.
- 9 I was interrogated about Cedric Mason and my ANC activities. The interrogation and assaults continued throughout the night until approximately 09h00 when I was returned to Norwood police station with a balaclava on my head.



- 10 The next day while at Norwood police station, I requested to see a doctor. I was seen by doctor whose name I cannot recall and told him about my assaults at Protea, but nothing came of my complaint.
- 11 I was detained at Norwood Police Station for almost two months. I was neither interrogated nor assaulted during this time.
- 12 On 12 January 1982, Makithi, Johannes and a third black officer whose name I cannot recall, fetched me from my cell and took me to JVS. Upon arrival, I was taken to Major Cronwright's office, where I was threatened with death, insulted and sworn at. There were two other officers there, whose names I cannot recall. Cronwright also spat at me. I was asked the same type of questions that I had been asked at Protea Police Station two months prior. I was told to think about Cedric Mason's activities and his connections with the ANC. Cronwright alleged that we were both reporting to the ANC. Thereafter I was taken to cell no B6 or B10 as reflected on the current floorplan, on the second floor of the cell block.
- 13 During the following week I was made to draft my statement. Warrant officer Maphophe was always with me while I wrote my statement. He did not ask me questions but was monitoring me.
- 14 While at JVS I was not allowed to keep anything in my cell - except the clothes I was wearing, and the mat and blanket provided by the SB for sleeping. I had to remove my belt, shoelaces and watch - I had already been made to remove

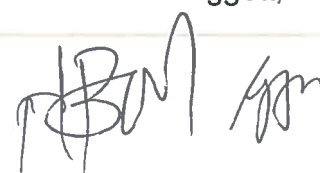
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these things from when I was at Norwood Police Station. I wasn't given any books.

- 15 Sometime in late January I completed my statement. Warrant officer Maphophe then rewrote my statement because the SB could not read my handwriting. I never signed the statement.
- 16 Sometime during the process of writing my statement, I was taken to Deetlefs office. He threatened to kill me and asked me similar questions about Cedric Mason and his and my ANC activities. I was also asked about the Congress of South African Students (COSAS) activities.
- 17 During March 1982 I was transferred from JVS to Vereeniging police station in solitary confinement. I spent approximately 10 months in detention and was released on 17 September 1982.

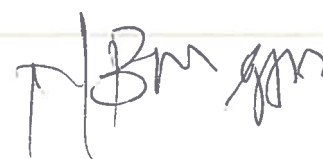
INTERACTIONS WITH NEIL AT JVS

- 18 I saw Neil on a number of occasions. I saw him when I was taken to the corridor for exercise and sometimes, I would see him being accompanied by officers on the second floor. I saw him at a distance on these occasions and we did not speak to each other.
- 19 On 25 January 1982 I was taken back to an office on the tenth floor for about 20 minutes before I was taken to the doctor. This office was usually occupied by Lieutenant Dladla and Lieutenant Mogoro. I had seen Neil Aggett,

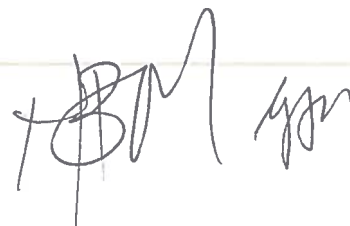


handcuffed, being taken into the office across the corridor from me while I was writing my statement. Neil was accompanied by Chauke. Three policemen, I recall one of them being Carr, stormed violently into the office I was in and said, "Waar is hy? Waar is hy?" They looked around the office and saw I was the only occupant. They stormed out, entered the office Neil was in and slammed the door shut. They closed the door of the office and although the glass was frosted, I could see them beating Neil in that office.

- 20 In 1982 I testified that I did not see what they did to Neil in that room because I was scared of the repercussions as I was still in the custody of the SB.
- 21 On the morning of Wednesday 3 February 1982 between 07h00 and 08h00 I was running down the corridor on the second floor as part of my exercise, when I encountered Neil. He was entering the storage room, where our belongings were kept. He appeared to not be walking normally. He was walking wide legged and I suspected something was wrong with his private parts.
- 22 I pretended to be getting water and followed him to the property room. When I entered, he had his back to me and I said, "How are you?". He turned toward me and said he had been assaulted and electrocuted. He began to lift up the sleeves of his jersey to show me his arms. He looked pale and thin and had tears in his eyes. At that point MacPherson walked into the room and I left the room without another word being exchanged between Neil and me. This was the last time I saw him.

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- 23 On the night of 4 February 1982, whilst in my cell B6 or B10, I heard a lot of activity – people walking up and down the corridors. At one point, the exact time I don't recall, because we had no watches, officers came down the corridors and closed the cell windows that were open, and an officer was then stationed at the door of each cell obscuring the peephole. It was rare to have so many policemen come through there at once, especially at night. Because of this, I suspected that someone had died
- 24 I don't recall exactly how I found out that Neil was dead, but by the afternoon of 5 February 1982 I knew that Neil was dead.
- 25 Neil was often taken for interrogation in the evenings, as well as in the day. He would also sometimes only be brought back at night from a day-time interrogation. I was a very light sleeper and would wake up with the slightest noise. When I heard the main gate open or close or if I heard steps in the corridor, I would wake up and look out my window or peephole. I would see Neil being returned from or taken to interrogation. The windows were always kept open as this was our only source of fresh air and so we were able to see into the corridor from our cells.
- 26 I suspect that Neil was killed by the Security Branch. I think this because it was very unusual for the Security Branch to behave the way they did on the night that Neil died. A policeman was stationed in front of each cell to obstruct the peephole and all the windows of each cell was slammed shut. The fact that they stood in front of our doors made me believe that they were trying to hide something from us.

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27 Shortly after Neil's death, I was approached by the Attorney General, Mr Swanepoel to make a statement. I refused to do so without legal advice and a legal representative present or testify at the first inquest for the prosecution.



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JABULANE GABRIEL NGWENYA

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at ROSEBANK on this the 04 day of FEBRUARY 2020, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

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COMMISSIONER OF OATHS

[Handwritten text: A B Mulausi, 15 Street Ave, ROSEBANK, JOHANNESBURG]



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