



## **NEIL AGGETT SUPPORT GROUP**

### **Open letter to Minister Jeff Radebe for 'restorative justice' in Aggett case -**

## **MEDIA STATEMENT**

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### **Aggett death: 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 jurist Advocate George Bizos, who led the Aggett legal team, believed that Aggett's death was "induced suicide", for which the security police might be held criminally liable. Judge Chris Nicholson has recently stated: 'the most benign description of his death was an induced suicide. We all know that in the case of detention suicide is the result of sustained torture and pressure'.

The person in charge of his direct and brutal interrogation was then police officer, Lt. Steven (Stephan) Whitehead, at the instruction of his superior, Maj. Arthur Benoni Cronwright.

Neither have been investigated, nor prosecuted, for their heinous crimes under national statutes. Neither applied to the TRC for amnesty; nor have they apologised to the Aggett family.

Accordingly, the Neil Aggett Support Group has today written to Minister Jeff Radebe (Justice and Constitutional Development ministry), to request that he urgently directs the Special Investigating Unit (SIU) 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 this appeal letter is attached to this statement release.]*

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 thousands of South Africans lived and died for."

COSATU's spokesperson, Patrick Craven, is on record as having said, in respect of Steven (Stephan) Whitehead, "Now that the identity of this individual has been revealed, the law must take its course and the government must cease any commercial dealings with him", according to a Mail & Guardian report on 9 November 2012.

Jay Naidoo, in an open letter to COSATU on 4 September 2012, wrote '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, in her letter to the support group, wrote: "I fully support your appeal following Judge Chris Nicholson's speech at the Aggett biography book-launch. I fully endorse his statement, "We know from Gandhi that silence becomes cowardice when occasion demands speaking out the whole truth and acting accordingly."

She continued: "As a former member of the Detainees Support Committee (DESCOM) in Durban, I fully support the call for an investigation and prosecution of those who were responsible for Neil's death in detention. Although the TRC process was meant to heal the wounds of the past and to facilitate a process of reconciliation, it was also aimed to ensure that justice is seen to be done".

She further stated: "These men who acted with impunity and cruelty have to realise and repent for their guilt. Without such a process we cannot say that justice has been done. The TRC process was never meant to cover up and leave such inhumane deeds as the one perpetrated on Neil to be left without any due process... For the confidence of the community to be restored in the justice system it becomes even more imperative that this be done urgently."

Gavin Andersson, a close friend of Neil's, and a founder of the Neil Aggett Support Group 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, who 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, who went into exile in the UK after being detained following the Rivonia Treason trial, was asked to comment on this critical appeal to the Minister of Justice.

Speaking to the Neil Aggett Support Group, she said, "The South African government needs finally to act. Prosecutorial evidence in the Aggett matter is substantial and compelling, given the massive records from the inquest and TRC hearings. Many thousands bear deep and brutal scars of the past. Prosecuting Cronwright and Whitehead will make a welcome start in pursuing restorative justice and honouring the founding ideals and intended legacy of the TRC."

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

Issued by:

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Durban. South Africa

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**SOME ONLINE REFERENCE LINKS:**

Copy letter from Dr. Gandhi to Neil Aggett Supporters Group –

<http://vivaafrika.wordpress.com/2013/02/04/ela-gandhi-supports-call-for-justice-against-aggett-interrogators/>

Copy address by Judge Chris Nicholson at Aggett biography launch –

<http://vivaafrika.wordpress.com/2012/10/15/judge-chris-nicholson-speaks-at-aggett-book-launch/>

Mail & Guardian article - Neil Aggett's tormentor does work for state – 9 November 2012 –

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

Jay Naidoo – Open letter to COSATU – 4 September 2012 –

<http://www.dailymaverick.co.za/opinionista/2012-09-04-an-open-letter-to-cosatu>