

NATIONAL PROSECUTING AUTHORITY
South Africa

**OFFICE OF THE NATIONAL DIRECTOR
OF PUBLIC PROSECUTIONS**

Victoria & Griffiths Mxenge Building,
123 Westlake Avenue, Weavind Park Silverton,
Pretoria, 0001

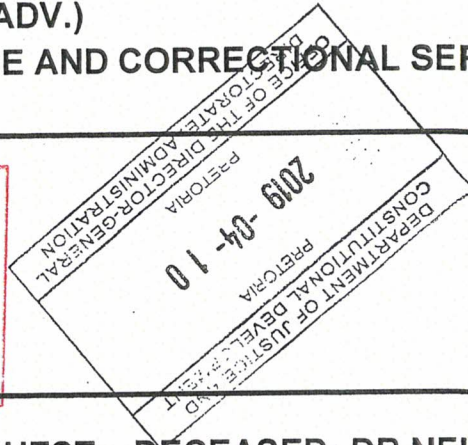
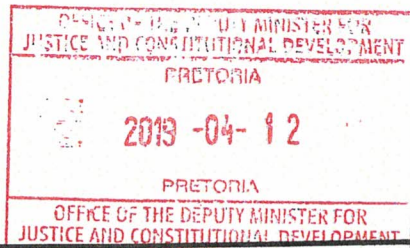
Private Bag X752, Pretoria, 0001

Contact number: 012 845 6758

Email: ndpp@npa.gov.za
www.npa.gov.za



**TO: T.M. MASUTHA, MP (ADV.)
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**



**SUBJECT: RE-OPENING OF INQUEST – DECEASED: DR NEIL
AGGETT. DEATH IN DETENTION: JOHN VERSTER
POLICE CELLS: JOHANNESBURG – DATE 5 FEBRUARY
1982**



**FROM:
ADV. S. BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

Route Form

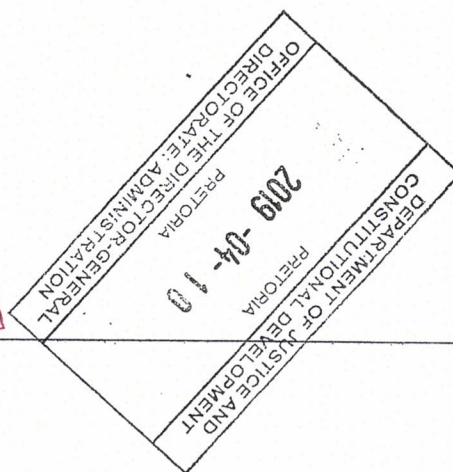
COMPONENT: OFFICE OF THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

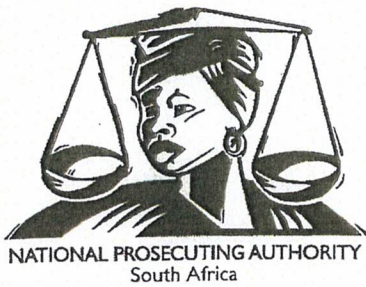
**SUBJECT: RE-OPENING OF INQUEST – DECEASED: DR NEIL AGGETT. DEATH IN DETENTION: JOHN VERSTER
POLICE CELLS: JOHANNESBURG – DATE 5 FEBRUARY 1982**

DRAFTING OFFICER	CHECKED BY
ADV. SUSAN BUKAU	

Post Design	Title, Name & Surname	Signature	Date
NDPP	Adv. S. Batohi		
DG: DoJ&CD	V. Madonsela, Esq		10/4/19
Deputy Minister: DoJ&CD	Mr. J. Jeffery, MP		12/4/19
Minister: DoJ&CS	T.M. Masutha, MP (Adv.)		

INSTRUCTIONS / COMMENTS



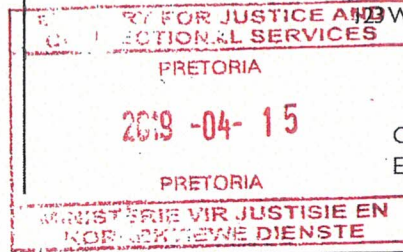


**OFFICE OF THE NATIONAL DIRECTOR
OF PUBLIC PROSECUTIONS**

Victoria & Griffiths Mxenge Building,
Westlake Avenue, Weavind Park Silverton,
Pretoria, 0001

Private Bag X752, Pretoria, 0001

Contact number: 012 845 6758
Email: ndpp@npa.gov.za
www.npa.gov.za

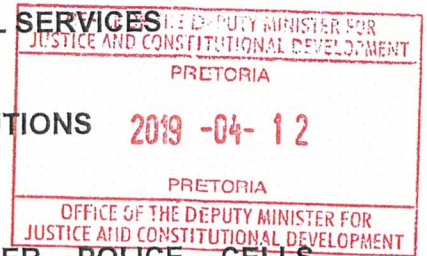


TO: T. M. MASUTHA, MP (ADV.)
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

FROM: ADV. S. BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

SUBJECT: RE-OPENING OF INQUEST
DECEASED: DR NEIL AGGETT
DEATH IN DETENTION: JOHN VORSTER POLICE CELLS
JOHANNESBURG
DATE OF DEATH: 5 FEBRUARY 1982

DATE: 1 APRIL 2019



PURPOSE:

1. The purpose of this memorandum is to request the Minister in terms of section 17A(1) of the **Inquests Act 58 of 1959** to approach the Judge President Gauteng Division to appoint a Judge so that the inquest in respect of the above matter can be reopened.

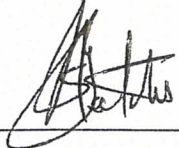
BACKGROUND:

2. Dr Neil Aggett was a medical doctor and trade unionist. He was detained by the Security Branch in 1981 at the John Vorster police cells, Johannesburg, and found dead in his cell on 5 February 1982.
3. An inquest held at that time found that he had committed suicide and that the police were not responsible for this state of affairs. The inquest finding received considerable public criticism both nationally and internationally due to the narrow approach adopted by the magistrate which excluded critical evidence depicting a pattern of sensory deprivation and torture.

4. Advocate Bizos SC represented the family at the inquest. Although he accepted that the deceased had committed suicide he argued that the head of the component of the Security Branch as well as the officer in charge of Aggett's interrogation were guilty of culpable homicide due to the circumstances under which he was detained and treated.
5. My Office requested the police to initiate an investigation into the matter when representations were received from former colleagues of Dr Aggett.
6. This investigation has revealed several new facts which place the finding of the magistrate into dispute. These include *inter alia*:
 - An attempt to obtain evidence to justify a finding of suicide by breaking into the home of Dr Aggett's parents. This incident was denied at the inquest.
 - A charge of assault which was laid by Dr Aggett shortly before his death. The magistrate refused to attach any weight to this complaint.
 - The unlawful monitoring of the consultations of Adv Bizos by the police.
 - The rehearsing of versions by the police who testified at the inquest.
 - Evidence of Dr Aggett's co-detainees also having been tortured.
 - The granting of amnesty to a former Security Branch member who was involved in the torture of the co-detainees.
 - The granting of amnesty to another Security Branch member involved in the interrogations for the particularly brutal murder of a member of the Liberation Movement.
7. The family of Dr Aggett have engaged a firm of attorneys who have also made a request that the inquest be reopened.
8. The request for the reopening of this inquest is consistent with the reopening of the **Timol** and **Haffejee** matters which also relate to deaths in detention.
9. Due to the fact that Dr Aggett died in police custody in Johannesburg the reopened inquest would have to be before a Judge of the Gauteng Division of the High Court sitting in Johannesburg.

RECOMMENDATION:

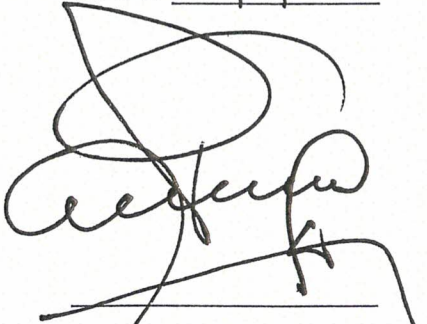
10. I therefore request you to in terms of section 17A(1) of the **Inquests Act 58 of 1959** to approach the Judge President to designate a Judge to reopen the inquest. I attach herewith as **Annexure A** a draft letter to the Judge President for your approval. Kindly provide me with a copy of your letter to the Judge President.



ADV. S. BATOHI

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

DATE: 9/4/2019



VUSI MADONSELA, Esq.

DIRECTOR-GENERAL

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

DATE: 4/04/2019



MR J. JEFFERY, MP

DEPUTY MINISTER

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

DATE: 14/04/2019



T.M. MASUTHA, MP (ADV.)

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

DATE: 23/04/2019

LETTER ON
SEND PROPER MINISTERIAL
LETTERHEADS.

MINISTER
JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA

The Honourable Judge President
Gauteng Division of the High Court
Judges Chambers
Private Bag X67
Pretoria
0001

Dear Judge Mlambo

RE-OPENING OF INQUEST IN TERMS OF SECTION 17A(1) OF THE INQUESTS ACT 58 OF 1959
DECEASED: DR NEIL AGGETT
PLACE OF DEATH: JOHANNESBURG
DATE OF DEATH: 5 FEBRUARY 1982

The deceased in the above matter died in detention after he had been detained by the then Security Branch of the South African Police. An inquest held at the time returned a verdict of suicide.

The National Director of Public Prosecutions has requested me to approach you in terms of section 17A(1) of the **Inquests Act 58 of 1959** to designate a Judge of your Division to reopen the inquest. This was after the matter had been reinvestigated and new evidence obtained indicating that a verdict of at least culpable homicide if not murder may now be justified.

On the facts presented to me I have acceded to the request and do in fact request you to designate a Judge of your Division to reopen the inquest. Due to the fact that the deceased died in Johannesburg it is recommended that you designate a Judge who presides in the Johannesburg High Court.

The NPA will be responsible for liaising with your Office regarding all further steps which must follow should you accede to my request.

Yours sincerely



T M MASUTHA, MP (ADV)
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
DATE: ~~23/04/2019~~

SEND DRAFT LETTER
TO C MONGENGE
VICES JUSTICE 30v.29

PLEASE SEND DRAFT LETTER FOR AMENDMENT