



NEIL AGGETT SUPPORT GROUP

An open letter to Minister Jeff Radebe for 'justice' to be served

Transmitted electronically.

Neil Aggett Support Group

Durban. South Africa.

Contact:

Brian Sandberg (Co-ordinator)

Email: briang.sandberg@gmail.com

Mobile: + 27 83 263 4580

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The Minister of Justice and Constitutional Development,
Pretoria. South Africa.

PERSONAL ATTENTION : The Hon. J. T. Radebe, MP

Dear Minister

Tomorrow, 5th February, will mark the 31st anniversary of the death in detention of the late Dr. Neil Aggett, after 62 hours of brutal security force interrogation and 70 days in police detention.

NEIL AGGETT SUPPORT GROUP

We represent a coalition of civic voices that includes friends and family of the late Dr. Neil Hudson Aggett, sympathetic to our call for restorative justice by the state, by endorsing our call that you immediately instigate a criminal investigation into those directly responsible for the cause of his untimely death.

Furthermore, we believe there are a great many prosecutions that should have resulted from the Truth and Reconciliation findings, and that – by highlighting Aggett’s case specifically – we may assist those deeply affected by other acts of brutal abuse to finally find some measure of comfort and closure, in the face of a litany gross human rights violations.

TRUTH AND RECONCILIATION COMMISSION:

Such human rights abuses were investigated by statute, under the Promotion of National Unity and Reconciliation Act, No 34 of 1995, which led to the founding, and superlative work, of the Truth and Reconciliation Commission (TRC).

The TRC’s final 5-part, 3500-page report was presented to former President Nelson Mandela on Thursday, 29 October 1998 by Archbishop Emeritus Desmond Tutu, then chairman of the TRC.

In the report, there is a record of deaths in detention from 1963 until 1990. There were 27 via “suicide by hanging” and 18 via suicide or death by other causes (i.e. “jumped out a window”), excluding natural causes.

In volume 3, from pages 578 to 581, there are details related to Aggett’s death.

TRC FINDINGS ON GROSS HUMAN RIGHTS VIOLATIONS in respect of AGGETT’s DEATH:

The TRC’s findings are chilling and well-known, but with reference to Aggett, the commission states:

THE COMMISSION FINDS THAT THE INTENSIVE INTERROGATION OF DR AGGETT BY MAJOR A CRONWRIGHT AND LIEUTENANT WHITEHEAD, AND THE TREATMENT HE RECEIVED WHILE IN DETENTION FOR MORE THAN SEVENTY DAYS WERE DIRECTLY RESPONSIBLE FOR THE MENTAL AND PHYSICAL CONDITION OF DR AGGETT WHICH LED HIM TO TAKE HIS OWN LIFE.

THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF POLICE, THE COMMISSIONER OF POLICE AND THE HEAD OF THE SECURITY BRANCH RESPONSIBLE FOR THE DETENTION, TORTURE AND DEATH OF DR NEIL AGGETT, CONSTITUTING GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT A STATEMENT BY DR AGGETT TO A MAGISTRATE ABOUT HIS ASSAULT AND TORTURE WAS ONLY INVESTIGATED THREE WEEKS LATER.

THE COMMISSION FINDS THAT THE FAILURE OF THE MAGISTRATE TO TAKE THE COMPLAINT SERIOUSLY IS AN OMISSION THAT LED TO HIS DEATH.

The report then adds:

THE COMMISSION FINDS THAT THE FAILURE OF MAGISTRATES TO TAKE THE COMPLAINTS OF DETAINEES SERIOUSLY AND THEIR RELIANCE ON THE EVIDENCE OF THE POLICE CONTRIBUTED TO A CULTURE OF IMPUNITY THAT LED TO FURTHER GROSS VIOLATIONS OF HUMAN RIGHTS. THE COMMISSION FINDS THE MINISTER OF JUSTICE RESPONSIBLE FOR THESE GROSS VIOLATIONS OF HUMAN RIGHTS.

MAJOR ARTHUR BENONI CRONWRIGHT and LIEUTENANT STEPHAN (STEVEN) WHITEHEAD

Aggett's lead-interrogator during his detention, and specifically during his 62 consecutive, non-stop hours of brutal torture that ultimately led to his taking his own life, was Lt. Whitehead, under the direction of Maj. Cronwright.

Whilst Cronwright's present whereabouts are unknown to us, Whitehead – according to a report published in the Mail and Guardian on 9 November 2012 – runs a security consultancy business that has done work for the South African government, apparently, as well as several other governments.

Link:

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

Given that neither of these men applied for amnesty at the TRC, nor have they offered any form of apology to Aggett's family at any time whatsoever, we believe that this is indeed a most grave miscarriage of justice and that Whitehead's organization should be excluded from employment by our government, with immediate effect, and criminal action against both men be pursued.

SPECIAL INVESTIGATING UNIT ACT (SIU Act)

According to SIU's website, its mandate is, *inter alia*, recorded as:

The SIU may investigate any matter set out in Section 2 of the SIU Act and cover:

- unlawful or improper conduct by any person who has caused or may cause serious harm to the interest of the public, or any category thereof.

The SIU Act empowers you, Sir, on behalf of the state, to direct the SIU to investigate a range of matters, which we strongly believe includes the potential prosecution of Maj. Cronwright and Lt. Whitehead for culpable homicide, at least, and possibly even a case for murder.

LEGAL OPINION

Judge Chris Nicholson, speaking in October 2012, at the launch of Aggett's biography, *Death of an Idealist*, is on public record as saying: "...we are left in no doubt that ... his death was an ***induced suicide***" and that "lawyers would also argue that there is also a case for murder or culpable homicide".

Internationally renowned South African human rights' jurist, Advocate George Bizos, is on public record as stating that he believes Aggett's death was "**induced suicide**". In his seminal book, *No one to blame*, Mr. Bizos notes that "those responsible for this detention could be held criminally liable for the death if they indeed induced the person to commit to commit suicide".

MEDIA STATEMENT

We will be releasing a media statement later today on this matter, together with a full transcript of this letter of appeal to you. A copy of this is attached.

COSATU – CALL FOR CRIMINAL PROSECUTION

It should be noted that the Confederation of South African Trade Unions (COSATU) is on public record calling for the state to pursue criminal charges against Aggett's interrogators. (Refer M&G link above.)

APPEAL

Minister, as you yourself – together with the countless millions of other South Africans – were subjected to gross human rights violations prior to this nation's liberation from injustice, we appeal to you, at this memorial time, to consider deeply the import of formal state investigations into the criminal behaviour of Maj. Cronwright and Lt. Whitehead, specifically.

In this particular case of Aggett's death, it seems relatively easy to develop a strong, prosecutorial case. Sadly, for many others seeking similar restorative justice, the path might prove more arduous and any hoped-for outcomes might appear less certain.

However, in terms of the guiding principles of the Promotion of National Unity and Reconciliation Act in 1995, and the subsequent TRC hearings and report, we firmly believe the imperative of nation-building and much-needed social cohesion could be well-served by a Ministerial directive for an SIU investigation into the criminal charges that we feel are well-overdue against Aggett's 'tormentors'.

Sir, if we are to honour the legacy of the TRC, and its powerful work, as well as to fight the deep scourge of criminality by state employees in our land, past and present, in whatever environ, then we firmly believe that this particular case might prove a litmus test for our government's resolve.

Thank you for your attention.

Respectfully,

Brian Sandberg

Co-ordinator : Neil Aggett Support Group