

FURTHER CROSS-EXAMINATION BY MR HATTINGH: Mr Chairman not a question, but I have omitted to put something. I do not necessarily wish to put it to him. The police will deny that he was assaulted and I accept that he will persist in his version. I just do not want the inference to be drawn.

CHAIRMAN: Very well.

MR HATTINGH: The police will deny that they assaulted you in order to obtain a statement from you. -- Will they deny this? There is evidence to that effect, because when I got to Buf-(10) felshoek, I was taken to a doctor.

They will say that you were taken to a doctor on more than one occasion because you had various complaints for which you were taken to a doctor. -- Complaints such as ..?

Sorry? -- Complaints such as ..?

You were complaining about your health. I do not have all the particulars. -- I had not been ill when I got arrested.

Thank you Mr Chairman, I have no further questions.

CHAIRMAN: Mr Pretorius?

FURTHER EXAMINATION BY MR PRETORIUS: Thank you Mr Chairman.(20) Just one question arising from the questions from the bench. You did not ask why this massacre take place. While you were in custody, did you hear something about why this happened? -- Yes.

Can you tell us please? -- I heard this from someone else who was also in detention, that this was an act of revenge. I heard of this also from the police that were visiting me.

Thank you Mr Chairman.

FURTHER CROSS-EXAMINATION BY MR VISSER: Mr Chairman there is one issue that arose from a question of Mr Pretorius which with your permission, I would just like to try and clear up. Can you] (30) tell/ .....

tell more or less how many people lived, at the time, in Kwa-Madala hostel?

CHAIRMAN: People who participated or altogether?

MR VISSER: No, no, altogether. Can you give an estimate of that? -- No that I do not know.

Was it more than 239? -- Yes because some people were leaving for Natal and some would be coming back.

Yes, the point is that I think I heard you say that on that evening everybody from KwaMadala went to Boipatong. Is that factual evidence or is that just a guess? -- I realised in the(10) morning that there were people on the premises. I even saw women as well. It was then that I realised that not everybody had left the hostel.

Thank you Mr Chairman.

NO FURTHER QUESTIONS

MR TEE: May I make one more ..? Mr C has mentioned the exact date of his arrest. I wonder if the press would just refrain from mentioning the date? It might serve to identify him.

CHAIRMAN: Very well. The request is (inaudible). Thank you Mr Tee, thank you again for your (inaudible). You may be excused. (20)

MR PRETORIUS: We would like to interpose another witness here. Unfortunately I have not got a typed statement of this witness. Due to the good work of the investigator of our team Colonel Westenga, we got to the security guard at the garage, and we would quickly like to call this witness Mr Chairman. It is Mr David Malefetsane Lengana and obviously the court will not be in camera anymore.

DAVID LENGANA: d.s.s. (through interpreter)

EXAMINATION BY MR PRETORIUS: Mr Lengana on 17 June this year, you were working as a security guard, is that correct? -- Yes. (30)

On/ .....

On that particular night you were posted at the garage, the Trek garage on the corner of Frikkie Meyer and Noble Boulevard, is that correct? -- Yes.

CHAIRMAN: Can I just ask you .. Sorry, carry on .. -- The answer is yes.

Who were you employed by? -- I was employed by the Misdaadvoorkoming Security.

Which security? -- Misdaadvoorkoming Security.

Is that the name of the firm? -- Yes, that is the name of our security firm. (10)

Are you still employed by the same firm? -- No I am no longer employed by that firm.

Since when are you not employed? Is this something you are going to deal with Mr Pretorius?

MR PRETORIUS: No, thank you Mr Chairman. -- I do not remember the day, but it was since the month of June.

CHAIRMAN: Why did you leave their employ? -- It is because, it is because we did not have travelling fares and we ended up not going to work.

Sorry, you did not have ..? -- Travelling fares. (20)

And before that, where did you get the fare? -- I frequently was asking people to lend me money.

So you did not leave because of any trouble with your employer? -- No, it was not.

MR PRETORIUS: Thank you Mr Chairman. You started your duty at what time that day? -- I had started at 18:00 in the evening.

Right, I want you to tell us in your own words what you observed, what you saw that night. -- What I say during that night was people coming from the direction from the KwaMadala and moving in the direction of the township. (30)

More/ .....

More or less at what time was this that you saw these people moving from KwaMadala to Tsirela? -- It could have been about 22:00 that night.

Right, before we continue with the movement of this group, before or during this time, did you see any vehicles, any security vehicles, police vehicles, South African Defence Force vehicles? -- I had seen a, a vehicle, a police vehicle.

What type of a vehicle? -- It was a Caspir.

Where did you see this vehicle? -- It was standing in the veld in the open veld nearby. (10)

I want you to have a look at photo 2 in EXHIBIT 3. Are you orientated for this picture? Can you see Cape Gate? Can you see the corner of .. (intervenes).

CHAIRMAN: Sorry are we talking about photo 1?

MR PRETORIUS: Photo 2 Mr Chairman. Right, if you are orientated for this picture, can you show us where you saw this Caspir in the veld? Can you mark it with an X? L1. -- L ..?

1. -- 1.

What was the colour of this vehicle? -- I have marked it L1, X L1. It was a brownish colour. (20)

A brownish colour? -- (He says) in English a yellow colour.

Now when you saw this group of people moving from KwaMadala .. (intervenes)?

CHAIRMAN: Sorry we have not said, I am not sure he said when, at what point .. (intervenes).

MR PRETORIUS: I am trying to work that out Mr Chairman. Now when you saw these people moving from KwaMadala to Tsirela, was this police vehicle still standing there? -- No it was no longer there. (30)

Did you see when this vehicle left? -- I saw the vehicle moving away, I only did not notice what time it was.

Was it long before you saw this group or shortly before this group? -- It could have been about, it could have been about 25 or 30 or 15 minutes.

In which direction did he move? -- It moved into the township Boipatong.

Did you see it again? -- No I did not see it again.

Was there any problems in the township at that stage? -- No there were no problems. (10)

Right. After 25 minutes after that, you saw this group moving to the township, is that correct? -- Yes.

Tell us what you did. -- I took the alarm at the garage and activated it. After some time a police vehicle, a South African Police vehicle came to the garage.

What type of vehicle? -- The, these small patrol vans of the South African Police. The police enquired as to what has happened and we told them that .. (intervenes).

CHAIRMAN: Who is this we? Who is we? -- I was with the petrol attendant on duty there. (20)

What is his name? -- I do not know his name Mr Chairman.

I interrupted you. You said the police enquired as to what had happened. -- We told them that we had seen people moving into the township.

MR PRETORIUS: Yes, and then? -- After telling the police that we had seen people coming from the direction of KwaMadala and moving into the township, they wanted to know if this had been, if this had happened long ago. And we told them yes, it had been some time that they have moved into the township. The police then drove off. (30)

Did you tell them anything about firearms? -- Yes we told them that the people are armed with firearms.

Did you see these firearms? -- No we did not see the firearms, but we heard shots and we realised that they were carrying the firearms.

Right, and then? What happened? -- I then contacted the security people, my security people by means of the radio.

That is now Misdaadvoorkoming? -- Yes.

Did they come?

CHAIRMAN: This is after the police had left? -- It was after(10) the police had left. After our security people had come, they contacted the South African Police for the South African Police to come. While we were with our members of the security guards, the people who had moved into the township from KwaMadala appeared moving out of the township. It was at that stage that we got into our security guard vehicle to get away from this place so that those people would not come and kill us there. We were taken to Baldwins.

MR PRETORIUS: Baldwins? If you talk about we, to whom are you referring? -- It was myself and the petrol attendant, and(20) another white security guard.

Do you know his name? -- I do not know his name.

Which people of your firm arrived there at the garage? -- It was Lieutenant Crous.

Did you stay at Baldwin's for the rest of the night? -- No.

What did you do? -- We went back to the garage.

If you talk about we, to whom are you referring? -- It was myself and the petrol attendant.

Yes, and what did you see? -- When we got there, we saw (30)

six Caspirs, three of the police and three of the army.

Where did you see these vehicles? -- These vehicles came immediately after our arrival back at the garage. Three of them were parked there near the garage and the other three patrolled away in the direction of Vanderbijlpark.

Yes, did you see any other vehicles? -- Yes, it was the security vehicles that came patrolling.

Did you see any ambulances? -- Yes, I did.

Tell us about that please. -- Ambulances came one by one and they could, in all, have been about eight. They were moving(10) into the township.

CHAIRMAN: When did you see the ambulances in relation to the time when you saw the Caspirs? -- The ambulances appeared first, they came first and the Caspirs came afterwards.

MR PRETORIUS: Did the ambulances drive into the township of Tsirela? -- The ambulances came and drove into Tsirela yes.

Can you make an estimation as to how long after this group left the township, did the ambulances arrive? -- After some time, it could have been about 30 minutes.

If we go back to the group? -- Or .. (he says) or 45(20) minutes.

If we go back to the group of people that moved from KwaMadala to Boipatong. First let us start, if you make an estimation, how big was this group? -- No I cannot estimate because I could not in any way count them.

CHAIRMAN: But can you give us a sum? Was it 10 people or 100 people or 200 people? -- (He says in English) Maybe 80 or 70, I do not know. I estimate.

MR PRETORIUS: Can you tell us where they entered into the township? On the southern side or the northern side of the township? (30)

Can/ .....

Can you tell us? Is it possible for you to tell us where they entered the township? -- They moved from the direction of Kwa-Madala into the township.

Right, now you heard some shots, is that right? -- Yes.

Was this while the group was in the township? -- In the township after the group had moved into the township.

Did you hear any other noises? -- I heard others, other noises such as the shattering of glass or windows.

Did you see any vehicle, was it possible for you to see any vehicle moving in the township at that stage? -- I did not(10) see any moving vehicles in the township.

Then you activated the alarm. Now this alarm, where does it ring? -- It rings at the police station.

The police arrived then with a patrol van, is that right? -- Yes.

What was the colour of this van? -- It was yellow.

And the people in the car, was it whites or blacks? -- They were whites.

Now you told them what happened there. Do you know why they did not go into the township? -- I do not know why they did(20) not go into the township, because they took the direction that lead into town.

If you say to town, to which town are you referring? -- Vanderbijlpark.

Vanderbijlpark? Did you see any white people during that time? -- No.

Thank you Mr Chairman.

CHAIRMAN: I think it is convenient to take the adjournment until 14:15.

COMMISSION ADJOURNS

COMMISSION RESUMES (30)

DAVID/ .....



DAVID LENGANA: s.u.o. (through interpreter)

CROSS-EXAMINATION BY MR KUNY: Mr Lengana where is your home?

-- It is in Zone 11, Sebokeng.

Is that where you live permanently? -- Yes.

And at the time, on 17 June, where were you living? -- I was living in Sebokeng, Zone 11.

And you continued to live there all the time? -- Yes.

Now you had been working for this security firm for how long? -- I had been working there for three weeks.

And what were your functions as a security guard? What(10) did you have to do at the garage when you went there that night? -- I was just keeping guard at the garage, whatever may happen there.

And if something happened, what were you supposed to do? -- I would have to report to our offices.

By radio? -- Yes.

Did you have a radio contact with you to your offices? -- Yes.

And was there also an alarm system at the garage itself? -- Yes. (20)

Direct to the police station? -- Yes.

And you knew that before you went there that night, did you? -- I was not aware of the alarm system at the garage because this was the first day that I worked at the garage and in front, but before this I was working at the Blue Amour which is situated behind the garage.

I see. So did you learn about the alarm system from the petrol attendant who was on duty that night? -- Yes.

And when you first saw this group of people crossing the road, you thought it was necessary to report it to the police by (30) sounding/ .....

sounding the alarm? -- Yes.

According to the evidence given by the petrol attendant, Mr Tiyane, you were the person who first spotted this group of people moving from the one side of Frikkie Meyer Boulevard across the road towards the township, and you drew it to his attention? -- No.

Who saw them first? -- It was the petrol attendant.

Oh and did he draw it to your attention? -- Yes he drew my attention for me also to see these people.

Now it must have been a sufficiently large group to have(10) worried you and to cause you to sound the alarm? -- Yes the people were many, but what actually caused me to activate the alarm was that this man, the petrol attendant, was saying these people are going to kill people and this is not the first time that such a thing would be happening.

So you obviously were worried and thought it necessary immediately to sound the alarm to the police station? -- Yes.

I think in your evidence this morning, you estimated that that was at about 22:00. -- Yes.

Duid you have a watch with you that night? -- The petrol(20) attendant was wearing a watch.

So when you say 22:00 is it an estimate, or is it by reference to a watch that you give that time? -- I had looked at a watch.

Right and when you gave the alarm did you speak to someone, or was it just a matter of setting off an alarm in the police station? -- After I had activated the alarm, I contacted the security offices, our security offices by means of the radio.

Yes. Did you do both at the same time or did you wait for (30) the/ .....

the police to come before you contacted your security offices?

-- I activated the alarm and then we waited for a while and before the arrival of the police, I contacted our offices by means of the radio.

How many times that night did you contact your offices by means of radio? -- I contacted them for a few occasions, I cannot remember how many, because I had to be in contact with them on an hourly basis.

Yes, but now about this group of people whom you saw crossing the road and whom you believed might kill people, your(10) reaction was first of all to sound the alarm to the police station? -- Yes.

You waited for the police to arrive? -- Yes.

How long did it take for the police to come? -- It could have been after about 45 minutes.

Or less? -- Or perhaps 30 minutes.

Or less than that? In your evidence-in-chief you said it could have been 15 minutes. -- I do not know how to estimate the time. It could have been 25. It could have been even that time.

Yes. Now before the police arrived, did you radio to your(20) control office or did you only radio after they had been? -- I contacted my office before the arrival of the police.

And what did you report? -- I reported that I had seen people passing, moving towards the township carrying guns.

Did you actually see them carrying guns? -- The guns as such I did not see but I believed that they were carrying guns and this I believed after the gunshots had gone off as they were moving into the township.

Right, so you would only have made that report to your control office after you heard the gunshots from the township? (30)

-- I reported before the gunshots, as the people were moving in-  
to the township, they were moving towards the township.

And you reported again later to your control office after  
you had heard the gunshots? -- Yes, I reported again.

Now when this police van arrived with two policemen in  
it, were the people still busy crossing the road? -- They, they  
were already in the township.

What did you report to the policemen then? -- We told him  
that people had moved into the township.

And did you tell them what your fears were about what(10)  
those people were going to do? -- Yes.

What did you tell the police? -- We told them that it ap-  
peared in the manner in which these people were moving, that  
they were going to launch attacks. This is on the basis of what  
the petrol attendant had said which he said was not the first  
incident.

And hadn't you at that stage already heard some shots  
from the township? -- There were shots, but not as much as there  
had been before.

No, not as much, but at the stage that the police van ar-(20)  
rived at the garage, you had already heard some shots from the  
township? -- Yes there had been shots ringing.

And did you tell this also to the police? -- Yes.

And what was their reaction? -- They drove back as though  
they were driving in the direction of the Civic Centre in Van-  
derbijlpark.

In other words they did not drive towards the township,  
they drove away from the township? -- Yes.

Do you know whether they had a radio in their van? -- No  
that I do not know.

(30)

Did/ .....

Did they appear to be speaking to anybody on the radio?

-- I do not remember this well.

And when they drove off, did they drive off at speed with some urgency or did they just drive off in the ordinary way? -- They drove off hurriedly, going back.

From the direction in which they have come? -- Yes.

And one last point on this aspect. While they were there, this van, while you were talking to them, could you actually hear shots coming from the township? -- While they were there?

Yes. -- No. There were no shots while they were there. (10)

So there were shots before they came and after they left?

-- Yes.

Now you say this is the first night that you had been on guard at the service station. Do you know that particular area well? Are you familiar with the area? -- The place I know is the Blue Amour. This is where I had worked at the back of the, of the premises.

So you know that across the road, across Noble Boulevard and on the corner of Noble and Frikkie Meyer, there is that big piece of open veld between Frikkie Meyer Boulevard and the town- (20) ship? Would you have a look at photograph 2? Maybe you .. Yes, I think photo 1 may be better. Do you understand that photograph? That is an aerial photograph of the area. -- I do not know Boipatong well.

Alright, well let us go back to photograph 2, which is the photograph that you saw earlier when you pointed out where the Caspir was. Do you understand and follow that photograph or is it also confusing to you? Mr Interpreter, perhaps the witness can himself point out on the photograph where he believes the garage is and Blue Amour is. -- (I have already been indicating (30)

this/ .....

I know but can he point on that photograph to where the garage is and where Blue Amour is? I want to see whether he understands the photograph. -- If the garage is at the corner (he is indicating the intersection of Noble Boulevard and Frikkie Meyer), if the garage is there, then Blue Amour is behind the garage.

Yes, are you pointing to a point which is opposite the letter D on the photograph? -- Is the garage not there? That is the point indicated by the letter D. (10)

Thank you. Then you understand where the garage is. Now I want you to indicate again where it is that you saw the Caspir that had been parked there a little earlier. -- It is somewhere in the vicinity of where it is marked X.

X? -- L1.

In other words where you previously indicated it? -- Yes.

So it was quite a long way down Noble Boulevard from the garage? -- Well I would say so.

Could it not have been in that, or near to that piece of open veld opposite the garage? -- Yes, in front of the garage. (20)  
That is about there.

Where you saw the Caspir? -- Yes.

When you say in front of the garage, in that open veld on the other side of Noble Boulevard opposite the garage? -- Yes.

And it was parked on the veld near to the road? -- Yes.

CHAIRMAN: Now I do not understand that. You have now pointed out, as I understand your evidence, pointed out two different places where you say the police vehicle was standing. Originally you said it was at point L1 near Cape Gate and now you are saying it was much further west near the intersection of Frikkie (30)

Meyer Boulevard and Noble Boulevard. -- You know the truth is, I do not understand this card, this photo. Now I do not want to, I would rather not have wanted to give indications on this photograph. I would rather have wanted to describe in relation to the garage where this vehicle was.

Mr Lengana tell us then in your own words where you saw this police Caspir, I think you said some time before you saw the people coming from the direction of KwaMadala hostel. -- If, if you were to say that the garage is, say, about here, there is a street leading down. It do not know where is it leading to. On(10) the other side of the street is the open veld. There are some trees in the veld. That is where it was parked.

MR KUNY: So it is much nearer to the garage than where you indicated on the plan earlier? -- That is why I say I do not understand this photograph.

Yes, that open field is sometimes referred to as a soccer field I think. People, or children play soccer on that field. Do you know that? -- I do not know because I do not reside in Boipatong.

MR SITHOLE: Where do you stay? -- In Sebokeng, in Zone 11. (20)

And how far did you go at school? What qualifications do you have? -- I passed standard 7.

MR KUNY: Now the Caspir that was parked on this field, how long had it been there? -- I reported for duty at 18:00 and it was already there. It was there after I had reported for work for about 30 minutes. It could have been round about 18:30 when it left.

And did it return after that? -- No it did not come back again.

Did you not see it again, or any Caspir again until later (30) that/ .....

that evening? -- I saw the Caspirs that came after the people had been shot and they were about six.

Yes. Do you know what a Caspir looks like? -- Yes I do.

Mr Tiyane, the petrol attendant says, that at a stage when there were groups of men crossing Frikkie Meyer Boulevard towards Boipatong township, there were two Caspirs or two Hip-po's he calls them, parked on that field opposite the petrol station. -- (At the time that the people were crossing)?

Yes. -- No.

You say they were not there or you did not see them? --(10)  
There was only one which had left.

How long before these people crossed the road, did that single Caspir leave that spot? -- It was a little while after it had left when the people crossed.

What do you mean by a little while? -- It was some time that it had left.

Well, you say a little while, now you say some time. Can you give us roughly an estimate of how long before these people crossed that this vehicle left the scene? -- About 30 minutes.

Did you see it drive off into the township? -- Yes. (20)

Would you have a look at, there is a card with photographs on, a board with photographs on it. Would you have a look at those photographs and point out what that vehicle looked like, and the colour? -- It was like the vehicle in photo G.

CHAIRMAN: And colour? Same? -- It was of the same colour.

It is a yellow with a blue stripe? -- It is photo G on EXHIBIT 10.

MR KUNY: Did you see a similar vehicle later on that evening? -- No.

The Caspirs that you saw later that evening, what did they/ ..... (30)



they look like? Could you have a look again at that board? -- Three of them were of the colour of the vehicle next to the vehicle in photo G, that brownish colour.

CHAIRMAN: Back on the right? -- And the other three were like the one in photo F. The witness points to the colour of the other vehicle in F and he also referred to the same colour in ..

MR KUNY: Now when you point at photo F, are you pointing out the colour or the type of vehicle? -- The vehicle was of that make as in photo F.

So if we can just summarise this, there were three vehi-(10)  
cles as in photo F and there were three vehicles as in photo G but of a brownish colour? -- (There were three ..)? The three vehicles were of the make of the vehicle in photo F and the other three were of the make of the second vehicle in photo G, the brownish one, which looks similar to the one in photo B.

What were all those vehicles doing when you saw them at that spot? -- The three military vehicles patrolled as though they were going into town. They drove in the direction of the town.

Which town? -- Vanderbijlpark. The other three were park-(20)  
ed there near the garage.

Doing what? -- The vehicles were just parked there.

And was this while the people were crossing back from the township towards the hostel? -- We did not see the people well when they were moving back to KwaMadala, because we had been taken away by the other security guys who took us to the Blue Amour.

No, not to the .. They took you to Baldwins? -- Not the Blue Amour. I wanted to say Baldwins.

Did you see people crossing back? -- No.

(30)

At/ .....

At no stage? -- We did not see them.

But did you personally never see people crossing back towards the hostel? -- No I did not see them.

Did you see any of these vehicles straddled across the road at the intersection of Frikkie Meyer Boulevard and Noble Boulevard? -- (Did you see any vehicles ..)?

Straddled across the road?

CHAIRMAN: You mean block the road?

MR KUNY: Blocking the road, Frikkie Meyer Boulevard at the intersection with Noble. -- I did not see them. (10)

You were there when your security guard vehicle arrived? You were at the garage? -- Yes.

And you say that there was Mr Crous in the vehicle and wasn't Mr Kruger with him? -- I did not know the name of the other person.

There was another person? -- Yes.

A white man? -- Yes.

That was Mr Kruger, because he gave evidence in this commission. -- Oh yes.

Now he says that while he was at the garage, he saw people crossing back from the direction of the township towards the hostel, or towards Iscor. -- I did not see the people coming back from the township, and moving in the direction of the Kwamadala hostel because we had been taken away. We were taken to Baldwins. (20)

Well, the impression I get from his evidence is that he certainly saw them and watched them crossing before he took you to Baldwins and then he came back and continued to watch. -- That I did not see.

And in fact he says, page 782 Mr Chairman, he says: (30)

"On/ .....

"On arrival at this filling station, the guard who was on duty there, one Lengana, immediately pointed out to me, pointed out in the veld. He directed my attention into the veld and there were a number of people there."

-- No that is not so.

And he says he looked and he saw people, a lot of people in the veld and he heard singing and he heard blowing of whistles and he saw movement. -- No that is not so.

And he said it was almost as if they were having a little party before they moved off towards Frikkie Meyer and crossed to(10) the other side. Did you see that? -- No I did not see that.

And after that, he says he took you and the petrol attendant to Baldwins. -- He did take us to Baldwins yes.

How long did you stay at Baldwins before you returned? -- I think it was for about 30 minutes.

And then did you walk back to the garage? -- Yes.

What did you see when you got back there? -- We found the six security vehicles, the six police vehicles parked there.

For how long did they remain parked there before three of them drove off? -- For some time. I think for about an hour to,(20) or one and a half hours.

Did you see them drive towards Iscor and the hostel? -- Three, yes.

Drove in which direction? -- They were patrolling. They moved as though they were going to Vanderbijlpark. Then they came back and went towards KwaMadala and so on they patrolled.

So three of them patrolled, three of them remained stationed? -- Yes.

Did any of them go into the township, into Boipatong itself? -- You mean at that moment?

(30)

Well/ .....

Well at any stage while you were there and watching them.

-- There was, the one that moved into Boipatong is the one that I found stationary there.

That was the earlier one? -- Yes.

Did you see any of these vehicles fire a flare into the air? -- No, I did not.

Did you see whether any of the people in those vehicles got out and patrolled in the veld itself? -- Yes they did look around in the veld.

Where? Which part of which veld? -- Across the tarred(10) street in that open veld.

The open veld opposite Boipatong or the open veld on the other side of Frikkie Meyer? -- They were looking around on the Boipatong side of Frikkie Meyer.

Not the other side, the hostel, KwaMadala side? -- No.

Incidentally, you said that you could hear breaking of glass from the township? -- Yes.

Did it sound as if windows were being broken? -- It sounded like it could be windows that were being broken yes.

At what stage did you hear that? -- I heard this at the(20) time when the people were shooting in Boipatong.

Did you hear breaking of glass before the police van arrived or after the police van arrived? We are talking about the van with the two people who came in response to the alarm. -- It is long after it had left.

Did you report what you had heard and seen to any of the people in any of these six vehicles that you subsequently saw on the scene? -- No.

Did anybody come and ask you to tell them what you had seen and heard? -- No.

(30)

When/ .....

When did you first make a statement to the police or to anybody else in connection with this incident? -- No.

No what? Have you never made a statement? -- I did not make a statement.

Have you never made a statement to anybody? -- I did not make a statement.

When were you first approached about this matter? -- Where? Do you mean from the month or ..?

By the police or by any official investigating this matter? -- No. (10)

No? Do you mean you were never approached by anybody? -- No I was never approached. But the question was were you approached by the police of anybody investigating this matter?

Yes. -- No.

And you have never made a statement? -- I never made a statement, not to anybody.

So how did it come about that you are giving evidence here today? -- I received a message yesterday when I came back from work that there were people looking for me and that there is a request that I come here. (20)

CHAIRMAN: Mr Kuny, if I can be of assistance? It was the commission's investigating team at our request that looked for Mr Lengana and he was found for the first time yesterday and I think came in this morning and interviewed with Mr Pretorius.

MR KUNY: Well may I just round off with one further question. If there had been anybody looking for you in connection with this investigation, you could have been found at your house in Sebokeng during the last four months? -- Yes.

And since giving up your job at the security firm, have you been employed? -- Yes I was employed again. (30)

Where/ .....

Where? -- I was doing gardening in Meyerton. I do not know who the white person for whom I worked is.

No further questions Mr Chairman.

CHAIRMAN: Thank you. Mr Hattingh?

CROSS-EXAMINATION BY MR HATTINGH: Thank you Mr Chairman. Mr Lengana, the police will say that they were in Boipatong some time prior to the attack in Boipatong and that they were, in fact, in Noble Boulevard with a yellow Caspir. At some stage they were at L1 where you indicated where you saw the Caspir initially. But they will say it was somewhat earlier than you(10) have got the time at. Sorry, perhaps I .. You say when you got to work that vehicle was already there? -- Yes it was already there.

What made you take notice of it? -- It is because I have also been patrolling and I do have to be looking around because that is my work.

You see, the police will say that at approximately 18:55 they received a report about some youngsters putting up road-blocks in Noble Boulevard opposite Cape Gate and throwing stones at cars and there is an entry to that effect in the occurrence(20) book at 18:55.

CHAIRMAN: Mr Hattingh which occurrence book is that?

MR HATTINGH: This is the internal stability unit occurrence book. -- They were blocking the roads where? In Boipatong?

In Noble Boulevard. That is the road that runs in front of the garage and much lower down, near Cape Gate.

CHAIRMAN: Do you know where Cape Gate is? -- I do know where Cape Gate is. That I did not see.

MR HATTINGH: And the police will say that a Caspir, a yellow Caspir such as the one that you pointed out on EXHIBIT 10, with (30)

the/ .....

the blue stripe with a radio call sign 5J was sent out to go and investigate and that the commander of that Caspir will say that in fact, they went out there and they travelled down Noble Boulevard past the garage where you were doing duty. -- No.

And they will say that they went to the end of that road and turned back and they saw a group of youngsters who ran into the township and they in fact, they entered the township where you marked L1. That is where they turned into the township, Le-koa Street. Where did you see that yellow Caspir enter the township? -- It drove into the township. There seems to be a little(10) path from that little, from that open space that leads into the township. I could not see so well. It was far from me.

You are not certain about time? You said in fact that you did not really take notice of the time? -- I am not certain of the time yes.

There was no reason for you to take note of the time when you observed this vehicle driving into Boipatong, not so? -- Yes there was no reason. I did not have a watch.

Eventually when you activated that alarm, you say you looked at the watch, the wristwatch of the petrol attendant? --(20) Yes I did.

Yes and did you say that it was exactly 22:00 or about 22:00? -- It was exactly 22:00.

As you see we handed in a document, I will give you the exhibit number presently, annexed to Major Davidson's overview and this is the printout at the alarm company's offices Mr Chairman. Now according to a printout that we received from the office where the time is recorded when an alarm is activated, that alarm was activated at 22:04, 22:04. -- 22:04?

Yes, 22:04. -- That would mean that the watch that I had (30)

a look at, might have been a bit slow or fast. I do not know. It is not my watch.

Right, very well. Now I think you have already said that you were not aware of the existence of that alarm until the petrol attendant told you about it? -- Yes.

So that, the activating of that alarm was not part of your duties? When you had to report any trouble, you did it by means of the radio that you had? -- Yes that is so.

Who told you that that alarm was directly connected to the South African Police? -- Yes that is what he told me. (10)

Who told you that? -- The petrol attendant.

You had no personal knowledge about it, no first-hand knowledge about it? -- That is so. I had no such knowledge.

Would this be a convenient time to take the tea adjournment?

CHAIRMAN: Yes, we will adjourn for quarter of an hour.

COMMISSION ADJOURNS

COMMISSION RESUMES

DAVID LENGANA: s.u.o. (through interpreter)

CROSS-EXAMINATION BY MR HATTINGH (CONTINUED): Mr Lengana now you say that after you activated the alarm, the first vehicle to(20) arrive on the scene was that, according to you, the yellow police van? -- Yes the first vehicle.

How long after that vehicle arrived on the scene, did Mr Kruger arrive? Mr Crous and Mr Kruger? -- He came about 45 minutes after this vehicle had left.

Now who was it that decided that you should leave the area? -- Leave the place and go to Baldwins?

Yes. -- It was Mr Crous.

And when he made that decision, did he tell you to get into the vehicle first or did he first go and pick up the other (30)

white/ .....



white security guard at Blue Amour? -- He took the security guard at Blue Amour and after taking him, he came and said that we should get into the vehicle to be taken to Baldwins.

When he went to fetch the security guard at Blue Amour, did he drive into the yard at Blue Amour? -- Yes he did.

And he left you there with the petrol attendant and then came back for you? -- Yes.

I want to put to you, you were already referred to some of the evidence of Mr Kruger. I also want to put some of his evidence to you. Mr Kruger said that, whilst he was there at the(10) service station, a white vehicle arrived with two white policemen dressed in private clothes. -- A private motor vehicle?

Yes, a white Jetta Fox. -- I saw a blue motor vehicle that had two white policemen.

Blue vehicle? -- Yes it was blue.

Was it a private, was it a sedan motor car or was it a police van or bakkie or what was it? -- It was a motor car, a sedan.

Now at what stage did that vehicle arrive there? -- It came to the garage from the direction of Baldwins. (20)

But before or after the police had arrived there? Or let me rather try and get this from you. In your evidence earlier on, you spoke about two policemen who arrived on the scene and if I remember correctly you said they arrived in a yellow police vehicle.

CHAIRMAN: A yellow police van?

MR HATTINGH: A yellow police van yes. -- Yes that was the first police vehicle to come there.

Now did the blue police vehicle that you are now telling us about, did that one arrive after the yellow one had left? -- (30)

Yes/ .....

Yes long after that one had left.

And the blue one, did that one arrive there before your patrol people arrived in their vehicle or after they had arrived there? -- It came while they were still there.

And were the occupants of this blue vehicle, were they also policemen? -- Yes they were policemen.

Do you know the make of that vehicle? Was it a Jetta or something? -- I do not remember well.

These two policemen, were they dressed in uniform? -- No they were not dressed in uniform. (10)

How did you know that they were policemen? -- When we were to be taken to Baldwins, they came to me and said that I must untie the dog, because the dog had been tied and he said we must take the dog along, because otherwise it will be killed.

Did he tell you that he was a policeman? -- No he did not tell me that he is a policeman or that they were policemen, but I could see that they are policemen.

So they in fact advised you to leave there, to take your dog and to leave that area? -- No they were asking why were we leaving the dog behind. This is as we were leaving for Baldwins(20) and they were saying we must take the dog along.

You see Mr Tiyane also spoke about a white Volkswagen Fox which arrived there. Is it possible that you are confused? That you are making a mistake with the colour of the vehicle?

MR SITHOLE: Let us put it this way, the one which you saw, the blue one, is it light blue or dark blue? -- (He says light blue).

Ja it could have been the effect of the lighting in that area that made it light blue, is that not so? -- Yes because there was bright light at the garage. I might have made the (30)  
mistake/ .....

**Collection Number: AK2672**

**Goldstone Commission BOIPATONG ENQUIRY Records 1990-1999**

***PUBLISHER:***

*Publisher:* - Historical Papers, University of the Witwatersrand

*Location:* - Johannesburg

©2012

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.