

to explain if you can why it is that you earlier said that you did not know what it was that you have been asked to make a statement about? -- This is because when we were being assaulted the person who assaulted us said: I know that Anina has deceived you into thinking that you will make a statement in court.

Who has deceived you? -- Anina.

CHAIRMAN: Who is that? -- It is a lawyer.

Anina van der Westhuizen? -- Yes Mr Chairman.

MR TIP: Mr C when you were assaulted, I take it that you were unhappy and afraid? -- I was unhappy yes. (10)

Were you afraid? -- Yes I was afraid.

You were afraid that the police might assault you further? -- Yes.

And you did not want to make them more angry with you? -- Yes.

We have been given yesterday a statement dated 20 October 1992.

CHAIRMAN: Sorry what was the answer? -- (To the last question)?

Yes. -- (Not yet. It has not come yet).

MR TIP: Yes, I am just bringing the witness to the point. (20)

CHAIRMAN: Just before you get there, can I just ask one question? I do not understand why is it only after you were assaulted that you gave a statement? Why were you refusing to give a statement before you were assaulted? -- I did not want to make a statement before, because what had been said was that I was a suspect. I did not know a suspect on what.

Had you been advised not to make a statement? -- Yes we had been advised not to make statements and that we would make statements in court.

That was the advice of your attorney? -- Yes Mr Chairman. (30)

I understand.

MR TIP: Thank you Mr Chairman. Just on that point Mr C, did anybody else advise you not to make a statement to the police?  
-- No.

Was there no-one at KwaMadala hostel at the time of 17 June or 18 June who advised people there not to make statements to the police? -- No I did not hear that.

Alright, now if I could just come back to the statement I referred you to, the one that is dated 20 October and was apparently made at Vanderbijlpark. -- That statement was made here(10) in Vanderbijlpark after I had been brought from Buffelshoek.

This is not the statement you made after you had been assaulted by the police? -- This is a, this is a statement afterwards. It is not the first one.

How many statements altogether have you made? -- It is one statement that was repeated twice.

Does that mean that this statement is the same as your first statement? -- Yes.

No difference? -- Yes.

Well let me just ask you one or two things about that. In(20) this statement here, that we have been given, no names are mentioned of people that you were with, whom you are in a position to identify. -- I was just relating and somebody else was writing.

Are you saying that in the first statement you made, there are also no names given by you of people that you can identify? -- There are.

So there are differences between the two? -- The first statement was given to me for me to read it. This one I did not read.

(30)

MR/ .....

MR HATTINGH: In fairness to the witness Mr Chairman, this witness was not, the statement was not read over to him yesterday. He was led by Mr du Toit without reference to the statement or let me say, without reading to him what was contained in the statement.

CHAIRMAN: In fact this statement was really handed out as a convenience so that the legal teams would know what the evidence was about. That was the only purpose.

MR TIP: Yes I understood it to be that Mr Chairman. It does though purport to have been made on oath and let me come directly to the point. Mr C was this statement here prepared here specifically for the purpose of submission to this commission? -- No that I do not know.

CHAIRMAN: And in fact, I think we can make it clear it was not.

MR TIP: Mr Chairman?

CHAIRMAN: It was not.

MR TIP: The statement of 20 October?

CHAIRMAN: As I understand it had nothing to do with his giving evidence here.

MR ROSSOUW: It is a convenience statement only Mr Chairman. (20)

MR TIP: Well convenience statement for whom?

MR ROSSOUW: For convenience, your convenience.

MR TIP: Well yes, I understand it to form the essence of the evidence and .. (intervenes).

CHAIRMAN: It has got nothing to do, it was not taken by the commission's counsel. It was given to us. It was a statement taken obviously by the police in relation to their investigation.

MR TIP: Well perhaps I could just ask the witness Mr Chairman. To whom did you give this statement here, the one dated 20 (30)

October/ .....

October? -- I was, when I made it I was told that it is a lawyer of the state to whom I am making a statement.

Were you introduced to the lawyer? Do you know his name?  
-- I know the lawyer, but I do not know his name.

Is he present here? -- He is not here.

MR HATTINGH: Mr Chairman once again, I think it was the representative of the Attorney-general who is going to prosecute him on that.

MR PRETORIUS: Yes, it is Adv Taute, it is Adv Taute that ..

MR TIP: Well Chairman I obviously have not been informed of the(10) genesis of this statement. It does seem (inaudible) to find out how it arose. Mr C let .. (intervenes).

MR ROSSOUW: Why is it necessary?

CHAIRMAN: But Mr Tip with respect, had you asked Mr Pretorius he would have done it.

MR TIP: I beg your pardon?

CHAIRMAN: If you asked Mr Pretorius or Mr du Toit, they could have done it.

MR TIP: No doubt Mr Chairman yes. Mr C let us come to the events of 17 June. You say that you were asleep, were you? -- I(20) was lying in bed. I was not asleep.

And you then heard someone say: stand up, stand up, let us go? -- Yes.

Did you not have any idea at all as to what was proposed where you should go, what you should do? -- I did not know. I was still a newcomer.

Had you not heard anything being said about what was planned or whether anything was planned for that evening? -- No, I knew of nothing.

Did you ask anybody: where are we going? -- Yes.

(30)

Who/ .....

Who and what were you told? -- I was asking a friend of mine who said: just go. You will see where we are going.

Did you make any further enquiries as to what you were going to do when you got to wherever you were going? -- No.

You went outside the room and you came across a squad of men armed? -- Yes.

Did you not ask: why are you armed? What are you going to do? -- No I did not ask.

Can you tell us if there is any reason why you did not ask? -- Yes there was a reason. I was a newcomer and I had just(10) a few people that I knew.

Well you have referred already to some friend. -- Yes.

You could have asked your friend: well where are these armed men going, what are we going to do? -- No I, I could not ask him, because I was afraid. I was just a newcomer.

Was there a muti ceremony in the hostel before everybody set out? -- No when I got out of the room, the people were already outside there.

Outside where? Outside the hostel? -- Outside, they were outside the hostel premises, outside the hostel yard. You see(20) like it would be if we were to get out of this room here.

CHAIRMAN: Perhaps if you look at the photograph, the first photograph on EXHIBIT 3. Perhaps you can point out which hostel you were sleeping in, which building you were sleeping in? It is a bit of ambiguity Mr Tip, because the hostel applies really to the whole premises of the . . . I mean, it is a very large area.

MR TIP: Yes Mr Chairman.

CHAIRMAN: So perhaps we can distinguish between the building in which he was sleeping as opposed to the hostel premises. -- I have marked the building C4.

(30)

Where/ .....

Where was the person who shouted: get up, get up? -- The person was outside the room wherein I was, wherein I was.

And did other people also come out of the same building? -- The people were in different rooms. There were a few people with me in the same room and the others were in different other rooms.

And the people in your room, did they go out at the same time as you? -- Only me and my friend left the room at the time. All the other people had already left the room and they had left the room before that call. (10)

MR TIP: Mr C did you go out almost immediately once that call had been heard by you? -- No.

How long did it take? -- It could have, it could have been after about a minute or two, because I was not wearing my shirt.

Right, and you have told us you put on a white shirt and a white cap? -- I was wearing a white T-shirt yes, and a white cap.

And had anyone suggested to you that you should wear a white T-shirt and something white on your head? -- No these are (20) articles on clothing that I had on, even during the day.

You see we have heard about security at the main gate of KwaMadala hostel. Is there a security guard in attendance at that gate? -- Do you mean at the hostel?

Yes at the main gate to the hostel? -- Yes.

And as far as you know is that security present 24 hours a day? -- Yes.

And was there someone present at the gate when you went out with the squad of men? -- No I did not notice that.

Do you know a Mr Moses Mthembo? -- Yes. (30)

Did/ .....

Did you see him at all that evening? -- No I did not see him.

When you came back after you had been to Boipatong, you said yesterday that you came in again through the main gate? -- Yes we came in again through the same gate as the gate that we had left, we had left by.

And did you notice at that stage, was there someone present at the gate as security? -- I did not pay any notice as to whether there is a security person at the gate or not because we came in running when we came back. (10)

Just one last aspect of this, normally the gates are kept locked, is that correct? -- One gate is kept locked, it is the big gate. The smaller gate is not kept locked.

Which one did you go through? -- We went through the big gate.

Now Mr C you have described that when you left with the squad of men, you were at the back of the group? -- Yes.

Were you right at the back? Can you just tell us? -- No I was not right at the back because there were people behind me.

When you got to Boipatong, had you changed position? Were(20) you still near the back or were you now further to the front? -- I was still at about the same position at the back. I would not have move forward because I did not even know where we were going.

When you crossed Frikkie Meyer Boulevard to get to the Boipatong side, did you cross in small groups? -- No it was just a group in that direction.

Did you cross all at once? Is that your evidence? -- It was just one long group, because there were no motor vehicles passing at that spot at the time. (30)

Well statements have been lodged with this commission to the effect that certain motorists turned back because you were crossing. -- We do not perceive alike. I did not see vehicles.

Right, did you notice any security force vehicles anywhere around there at that stage? -- When we were moving to Boipatong?

Yes. -- No.

Could you see what the people right in the front of this group were doing? -- No I could not see because there was also fog. (10)

And could you also not see exactly what was happening at the front of the group? -- No.

Mr C we have been informed in this commission that over 40 people were killed in Boipatong that night. I understand your evidence to be that you did not see any of those people being attacked. -- Yes.

Would you have any reason to dispute or to disagree with that figure or with the fact that people were killed? -- Do you mean can I dispute that people were killed there?

Yes. -- Yes, I would dispute it because I did not see(20) anything.

Although you did not see it, isn't it possible that it happened? -- I do not know. What I do dispute is that I saw any people or person being killed.

You see it is really very basic what I am putting to you. I am just asking you whether you concede that although you did not see people dying, being killed, that it is perfectly possible that it happened? -- Can you repeat this question? I do not understand you.

CHAIRMAN: That he entirely agreed. He said all he is disputing (30) is/ .....



is that he saw it happen.

MR TIP: Well I thought he went a bit further.

CHAIRMAN: It is obvious. How can he dispute something that he does not know about?

MR TIP: Well that is what I want to establish Mr Chairman, what .. (intervenes).

CHAIRMAN: The trend of his evidence, all he is disputing that he saw the murders taking place.

MR TIP: Well I put it slightly differently too and I would like, with your permission, just to advance that point a little(10) Mr Chairman. Mr C you have described that the group had scattered, is that right?

CHAIRMAN: At what point?

MR TIP: Well, very soon after you arrived at Boipatong. -- Yes.

And obviously you could not see what other groups were up to or what was happening in other parts of Boipatong? -- Yes that is so.

There has been evidence given to this commission by witnesses who say that, in Slovo Park there were attacks and that white people were seen amongst the attackers. -- I did not see(20) whites.

But you also cannot dispute, yourself, that that might have happened? -- I can dispute it because I did not see that.

MR SITHOLE: No one is saying that you must have seen whites. All that the advocate is asking you is how can you deny something you have not seen? I mean, the fact that you had not seen whites, you cannot deny that. -- Yes.

MR TIP: And does the same not apply also Mr C, to the possibility that there were police vehicles?

CHAIRMAN: Mr Tip, he has now conceded. What is the point of (30) this/ .....

this now, going on with this now? Of what relevance is this? He has now conceded in answer to the direct question put by my colleague, Mr Sithole, that he cannot dispute things he did not see. So you are going on asking him whether he disputes things he did not see. I do not understand the relevance of it.

MR TIP: I will leave it then Mr Chairman.

CHAIRMAN: Yes.

MR TIP: Now you told us yesterday Mr C about somebody shouting that there were police, remember that? -- Yes.

Did that shout come from someone that was near to you? --(10)  
No the person was not near me.

Did you start running as soon as you heard that shout? --  
Yes.

You told us that you then saw in the veld, near Frikkie Meyer Boulevard, a military vehicle, a Buffel? -- Yes.

How far from that Buffel did you and the people that you were with, pass? -- About 50 meters.

Sorry, 15 or 50? -- 50.

Would you say that vehicles was pointing in the direction you were moving? -- Yes. (20)

Did you see any vehicles blocking Frikkie Meyer Boulevard in order to allow you a safe crossing? -- No the only vehicle that was there was the military vehicle when we were passing it.

Did the military vehicle react at all when you passed? --  
No, there was no reaction.

What, from the point that you crossed Frikkie Meyer Boulevard, what was your route back to the main gate? -- We followed the same route as when we went down.

And can you tell us whether there were a number of people still behind you who followed you back to the main gate? -- (30)

There/ .....

There were people ahead of me and behind of me and we were running at the time.

Did you, once you got back to KwaMadala hostel, what did you do? -- Do you mean what did I do?

Yes. -- I ran into the room.

Do you whether anything, whether the people who had come back from Boipatong met anywhere inside the hostel premises? -- No, no people met because it was said that we must get into the room and it was also said that whoever is found outside there if the police come, will see to finish. (10)

Was anything said about getting rid of weapons or of stolen goods? -- No that I, no that I do not know. It might perhaps have been said to the people who came in afterwards, because we could not run at the same pace.

Did you remain in your room during the rest of that night? -- We went to sleep yes.

Did you, on the following day, hear anybody say anything about getting rid of weapons or of stolen goods? -- I did not hear anything on the following day because members of the police were at the gate. (20)

What time on the following day was that? -- No I do not remember well what time it was. It was when we were going out to go to the shops that we found the police at the gate and they sent us back.

Were the police able to come into the hostel premises? -- They did come in.

And what did they do? -- A white policeman said that he was begging us to co-operate with them.

Sorry? -- A white policeman said that he was begging us to co-operate with them. (30)

Were/ .....

Were you not co-operating with the police? -- That I do not know.

Well did you at any time see a group of people at the hostel gate preventing the police from coming in? -- No I only heard singing.

Mr C what did you do with the stick that you yourself took along to Boipatong that night, kierie? -- When it was said that the police are coming, I threw it away.

CHAIRMAN: In Boipatong? -- On our way back after we had gone, we had moved out of Boipatong. (10)

MR SITHOLE: Had you crossed Frikkie Meyer Boulevard already by that time? -- Yes, yes, because I had seen the military vehicles.

MR TIP: Can you say anything about what other people were doing with their weapons? -- Yes I would tell you about the person I saw, that is the person who had blood on him.

Yes? -- I would say he stabbed somebody because he had blood on him.

Yes, no I did not .. I am sorry, my question was not clear. I am not asking about what people might have done with(20) weapons, how they might have used them in Boipatong, but thereafter on the way back to the hostel or in the hostel premises, can you say anything about what people were doing, whether they retained their weapons or whether they got rid of them? -- I do not know what they did with their weapons.

Thank you Mr Chairman.

CHAIRMAN: Mr Hattingh?

CROSS-EXAMINATION BY MR HATTINGH: When you eventually made a statement to the police, was that statement, was it the same as your evidence here in this commission? -- Which statement are (30)  
you/ .....

The one that you made to the police. -- At Vanderbijlpark?

Well let us start with that. Did you make a statement at Vanderbijlpark? -- I made one on Tuesday, 20 October.

And where were you at that stage? -- I was in Vanderbijlpark from Buffelshoek in an office whereon it is written Boipatong massacre.

I do not want to spend too much time on this. You said that you did not want to make a statement but you were assaulted(10) by the police and eventually you made a statement? -- I made a statement at Buffelshoek. This other statement that I made was the second statement.

No the one that you made at Buffelshoek, did you tell the police the same facts, did you give them the same facts in that statement as what you told the committee here? -- Yes.

Whilst you were being detained in Vereeniging, before you were taken to Buffelshoek, were you able to communicate with other people who had also been in detention, people from KwaMadala? -- Yes we were detained together. (20)

And were you not threatened by some of them not to make a statement? -- No.

This Mr Moses Mthembo, does he hold any position in the hostel? -- (Does he know ..)?

Moses Mthembo does he hold a position in the hostel? -- He is in charge of the Iscor workers.

The Iscor workers who live in KwaMadala hostel? -- Yes.

But he does not wear a uniform, does he? -- No he does not wear a uniform.

Did any of the people who left KwaMadala that night to go (30)

to/ .....

to Boipatong, did any of them wear blankets? -- No I do not know because I left the room afterwards.

But those that you could see on your way there and on your way back, did any of them wear blankets? -- No.

Thank you I have no further questions.

CHAIRMAN: Mr Mostert?

CROSS-EXAMINATION BY MR MOSTERT: No questions.

CHAIRMAN: Mr Visser?

CROSS-EXAMINATION BY MR VISSER: Mr Chairman our position has been clarified greatly by some of the questions asked by Mr Tip.(10) At the present time, as presently advised, we will have no cross-examination for this witness and if I may just refer to a discussion which we have had with you in which we said we would like to hold our decision over until Monday. It seems to us now Mr Chairman with respect, that we will not have to ask for that indulgence, but if we could ask for another indulgence perhaps which would be of more convenience to the committee and that is that if, due to some information which we have required from Mr Tee and Mr Hattingh, our learned friends, makes it necessary that we could perhaps, at a convenient time, ask to put certain(20) questions to the witness. Although I must say it strikes us as very unlikely at this stage.

CHAIRMAN: But if it becomes necessary, I am sure that arrangements can be made without inconveniencing anybody for Mr C will have no objection.

MR VISSER: Thank you Mr Chairman. Subject to that we have no questions thank you.

CHAIRMAN: Mr Tee is there anything further you want to bring up?

RE-EXAMINATION BY MR TEE: Mr Chairman I am going then to be (30)  
answering/ .....

answering the questions put to me by Mr Visser. Are those answers to be made available to the rest of the parties?

CHAIRMAN: I think so, absolutely.

MR TEE: Then there is just one clarification that I would like the interpreter to deal with and that relates to the statement. If you could just explain the difference between lying down and fast asleep which appears in the statement Mr Interpreter? -- (The, well what transpired is that, during the interview with Mr Tee and Mr C is that the witness, Mr C was using a word which might have been understood to have meant asleep, which is a(10) Tswana word, but he is Sotho-speaking and he says or he attaches the meaning of just lying on something or on the floor to that word, that Tswana word which he used. The word is thulamela t.h.u.l.a.m.e.l.a. In Tswana it means asleep. The meaning he attaches in the Southern Sotho language is just lying down.)

That covers that question. There is just one final question to the witness himself Mr Chairman. Mr C where and how did you get hold of the cap that you were wearing that night? -- I got hold of this cap in the room during the day.

Thank you Mr Chairman.

(20)

CHAIRMAN: I should make it clear to avoid any confusion, that Mr Tee's real name is Mr Tee, although he is appearing for Mr C. Mr Pretorius is there anything you ..?

RE-EXAMINATION BY MR PRETORIUS: Yes thank you Mr Chairman. Were you reluctant to go with this group? -- Yes I was afraid.

Did anybody stay behind in the hostel that night? -- No.

Right now when you were attacking the houses in Tsirela, in Boipatong, did you call to the residents? Did you address the residents that were staying in the house? Did you use swear words? -- No there was no noise. We were just smashing the windows/ .....

(30)

The lights, the Apollo lights, were they on that night or were they off? -- Yes the one at the shop was on.

When my learned friend Mr Tip asked you whether you could see what the people in front of the group were doing, you said you could not see. I did not quite get your answer. Why couldn't you see what they were doing? -- At which point to you mean? In Tsirela, in Boipatong or outside Boipatong?

Even going there, what was the visibility like? Let me ask you this, what was the visibility like? (10)

CHAIRMAN: In Boipatong?

MR PRETORIUS: In Boipatong. -- The area where we entered Boipatong was not lit, it was dark, but deeper into Boipatong, such as at the shops, that area was lit.

And do you know whether everybody from the KwaMadala hostel entered by the main gate, coming back from the attack? -- (Did you know ..)?

Do you know whether everybody from the KwaMadala entered through the main gate coming back from the attack? -- No I do not know, but nobody would have wanted to be watching what is(20) happening behind him, because we were running.

Thank you Mr Chairman.

MR SITHOLE: Mr C how many people were moving ahead of you? About how many people were moving ahead of you? -- Nine.

And those behind you? -- No that I did not notice, because I was just looking ahead of me in the direction which I was going.

Only nine people moving ahead of you? Let us get this straight, when was this, the nine people moving ahead of you, what moment was this? -- (He says) It was when we had(30) started.

Ja/ .....



Ja as you entered Boipatong, how many people were moving ahead of you? -- I would estimate about 239 and I would say me and the other people that were behind me were the number that would make up for the 250.

How do you arrive at that magical figure, 239? Why 239? -- Because they were just very many ahead of me.

And as soon as you split up, at what moment did you split up? -- We got scattered in the streets after we had turned and that was at the stage where there was gunshots. We did not know who was shooting. (10)

Now where were you at the time?

MR BAGWATHI: When you scattered? -- We were at about the corner of Bapedi Street.

MR SITHOLE: Bapedi and what? -- And Lekoa.

And in which direction did you go? -- We, we got into the premises and hid between the houses when the shots went off, and when we later went out of these premises most of the people were no longer there. They had gone.

But from whom had the shots come? -- I do not know. We just heard the gunshots and we went hiding. (20)

Is it possible that the shots could have come from the 239 people moving ahead of you? -- I do not know.

Right, and did you at any stage regroup after splitting up? -- No we moved on following the others.

Following the nine you had spoken about? -- No were about nine people when we were moving out of the township.

And these nine, you can still recognise? -- Some of them yes. Some of them were known to me but others were not known to me.

In the room in which you were sleeping, how many were you (30) there/ .....

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there? -- Eight.

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MR C

Now when you got up and put on your white T-shirt and your white cap, did they all get up? -- The others were not in the room, even while we were still watching TV and this was the position before that call.

Ja, but the point I want to clarify is, did every of the eight guys with whom you slept in that room, participate in the attack on Boipatong? -- No that I do not know because when I left the room, I was with the person that I was much more acquainted to.

(10)

Okay. Now when someone shouted in Sotho that: here comes the police, at which point were you, if you look at EXHIBIT 4? -- It was when we were moving in that street, Majola Street.

Heading which way? West? East? -- Heading west towards .. (intervenes).

Towards Frikkie Meyer Boulevard? -- Yes.

Were you at any stage in Slovo Park? -- No, I did not even go that far. I do not know Tsirela.

And when this person shouted: here comes the police, did you see any police vehicle or did you see another type of vehicle? -- No I only saw the vehicle after we have moved out of Boipatong. That is after it had been shouted: there are the police. The only other vehicle I had seen was the vehicle that had been set alight.

Was that a private vehicle which was set alight? -- Yes it was just a motor car.

But you never saw any police vehicle? -- No.

In your group in which you were, the nine plus you, you were never in the company of police while attacking these houses and smashing windows? -- No.

(30)

Why/ .....

Why were you running away from the police? -- We did not want to get arrested.

Were you afraid you would be arrested should the police come there? -- Yes we had done mischief.

MR BAGWATHI: When you all moved out of the hostel, did anyone have guns to your knowledge or did you see anyone having guns from amongst the crowd which was moving out of the hostel? -- No.

Did you see any of your inmates of the hostel, when you moved into Boipatong, having guns? -- No. (10)

Now can you on EXHIBIT 4 mark out the route which you took, your group took after splitting up at the corner of Lekoa Street and Bapedi Street until you went out of Boipatong, which your group took? -- That is the route marked in red dotted lines.

Let Mr Tee see that. Now you have said that you saw one of the persons with you coming now with a knife that was blood-stained. Now you said it was in Majola Street. Can you point out which was the house from which he came out with the blood-stained knife? -- No I am not able to point out the house. I do(20) now know which house it was because when that person came out with the blood-stained knife, it was when there was the shout about the police.

At that time you were all in Majola Street? -- Yes.

Now into how many groups did you divide yourselves at this point on the corner of Lekoa Street and Bapedi Street because there were about 250 you said. In how many groups were you all divided at that point in time? -- No that I do not know.

Do you know where the other groups went, in which direction they went? -- No because we went hiding. I do not know where (30)

the/ .....

Do you know what the other groups did in Boipatong? -- No nobody related after we, after they had come back, which is what would have enabled me to know what the others did.

And you could not see what the other groups did? -- No I could not see what the others, other than the people I was with, did.

I have nothing further.

MR SITHOLE: If I may ask one more question Mr C (end of tape) you say you went out along the same route which you took when(10) you got into Boipatong, is that not so? -- When we moved out of Boipatong, we moved out from the street but then we moved in about the direction that we had moved in the veld before we entered Boipatong.

Ja, just before you reach Frikkie Meyer Boulevard, there is a steel bridge spanning a ditch which runs parallel to Frikkie Meyer Boulevard. Do you know about it? -- Yes this is where we went past as we were moving into Boipatong.

Now when you took this route, where did you cross that ditch, where did you cross it when you went out of Boipatong? --(20) No we did not go past that bridge or that ditch because the military vehicle was parked in about where the steel bridge is.

Yes, I want to know where you crossed that ditch? Where did you cross the ditch? -- There are footpaths and sort of holes that would enable us to go underneath that steel bridge and we moved underneath it.

Okay, you went into the ditch? -- Yes, it is not deep.

CHAIRMAN: We will take the adjournment for quarter of an hour.

COMMISSION ADJOURNS

COMMISSION RESUMES

MR C: s.u.o. (through interpreter)

(30)

MR/ .....

MR SITHOLE: Yes Mr C now I want to know the route you took as soon as you crossed that ditch up to KwaMadala hostel. Look let me make things easier for you. You will see that at the corner of Noble and Frikkie Meyer Boulevard, there is a yard which has some greenery there and that is a nursery, we are told nè? -- Yes.

Now on which side of that nursery were you passing? -- We passed on the southern side.

At the corner there? -- Yes.

And then? Where did you get to? -- We walked up to the(10) tarred road and then we turned in towards the hostel. We proceeded to the bridge, under the bridge and further on to the hostel.

The subway, did you go underneath? -- Yes, we walked under it, the bridge.

And through which gate did you enter KwaMadala hostel? -- The main gate as marked B in photo 1.

Okay and you all went to your respective rooms? -- Yes.

And you say your stick you threw before you could cross Frikkie Meyer Boulevard? -- Yes. (20)

And the other nine people with whom you were, what did they have in their hands? -- You mean the people I was with?

That is right. -- Some were carrying sticks. I could not see what each and every one of them was carrying.

Ja, did some of them carry their weapons into KwaMadala hostel? -- No, no that I would not know because we were running and I was running ahead of them.

No more questions.

MR BAGWATHI: Just one or two more questions. When your group was moving about in Boipatong, did anyone from your group go (30) inside/ .....

inside any house? -- Not of those that were with me when we entered premises. We would be about three entering a premises and then we would break windows.

You were breaking windows from outside by throwing stones or you went inside the premises, inside the houses? -- We were entering the premises and we would break the windows with the sticks that we were carrying. Some of the people would throw stones at the windows.

So you did not actually enter the houses? -- No.

None from your group? -- No I do not know what the position would have been with the people who were ahead of us. (10)

But the nine persons you were talking about who were ahead of you? -- We were only breaking windows. If for instance three of us, of this nine would get into a premises, the rest would be going ahead and I would not know what they would in the meantime be doing while we break windows.

Now when you all returned, do you know what happened to the weapons which the others were carrying? -- No.

Now how long did you continue staying in the hostel after the night of the massacre? -- I was still staying in the hostel (20) until 25 September.

When you were taken in custody? -- Yes.

Now during this period did no-one ever tell you as to what had happened to the weapons or did you not even care to enquire what had happened? -- I did not ask anybody about the weapons that were carried into Boipatong, but then the only weapons that I saw after that massacre, are weapons that I saw when the police had come into the hostel. Those were the spears. They were being seized by the police from the rooms.

When was that? -- If I am not mistaken it could have been (30) about/ .....

When the weapons were seized from the rooms? -- Yes.

MR ROSSOUW: Did you not talk to anybody about this thing that you had gone to do in Boipatong after you came back there in the hostel? -- No, nobody spoke about that incident because there were police outside.

What does that mean now? Did you decide not to speak about it or did somebody tell you not to speak about it? -- Nobody spoke.

Why didn't you speak to somebody? -- I was afraid, be-(10) cause the police were coming in and we were to furnish our names on some white sheets of paper.

While you were in Boipatong, while you were visiting houses and breaking windows and so on, did you hear sounds from other parts of Boipatong that sounded the same as what you were doing? -- Yes, one could hear this. What I also could hear was noise such as screams by people, people that were screaming and crying.

\* Tell me more about this number of people that you mentioned, 239. How did you come to, I did not hear the answer you(20) gave just now, so just repeat it for my sake then. How did you come to estimate it at 239? -- This was because the people that were ahead of me were so many, so as to make the number 239, according to my estimation.

Could it have been 238? -- 39.

I want to know how you come to the figure of 239. How do you know that? -- This is what I think and according to my observation the people that I saw there, could have been that number.

Right, when did you come to the conclusion that it is (30)

239? That night or later on, afterwards? -- That night. I was just surprised that so many people, people who could be about 239, where could these people be going to?

When you came out of Boipatong along Majola Street, if you look at EXHIBIT 3, photograph 1, then between Boipatong and Frikkie Meyer Boulevard, there is an open piece of ground. -- Yes.

Did you see other groups of the 239 there on that field? -- No.

You did not wait for anybody to catch up to you? -- Catch(10) up to me when? As we were moving out?

As you were moving out. -- No, I did not want anybody to catch up with me, because I was just in a hurry to get to where I was going.

Alright, in that case, did you catch up with anybody on your way from Majola Street to the gate at KwaMadala? -- Yes.

Did you? How many were they, according .. (intervenes)? -- I did not count them. I was just running.

If you give us an estimate now, how much do you think they are? -- In my estimation, this would be of the people of my(20) age group, there could have been about eight ahead of me.

Now when you crossed Frikkie Meyer Boulevard going back to KwaMadala, did you perhaps, can you remember looking up towards the crossing of Frikkie Meyer and Noble Boulevard? -- No I was just looking ahead of me the direction I was going.

Okay. Thank you.

MR SITHOLE: One more question Mr C. The nine people who were in your group, could you describe how they were dressed? Were you dressed in any white clothing or what ..? -- No they were not dressed in any white clothing, but what was white that they had (30)



C10.653  
on was the white headbands.

- 200 -

MR C

Do you know why they had white headbands on them? -- I did not know.

Is it coincidental that the colour of your cap was similar to their headbands? -- I do not know, because I left the room with this white cap on my head.

You testified that when you got to the hostel, someone said that everybody must get into their respective rooms otherwise should the police find them outside, it is their own (inaudible) is that not so? -- Yes. (10)

In what language did he say that? -- In Zulu.

And the nine in which company you were, what language did they talk? -- Some spoke Sotho, some Sotho, and others spoke Zulu.

And the 239? -- I do not know. I could not get up to the front to hear what language each one spoke.

The first house, the first windows you smashed with your stick, what prompted you to go for that particular house? Had the attack already started in the other areas ahead of you or what? Just tell us. -- There were houses with broken windows, or (20) houses which windows were being broken and I was seeing that windows are being broken when I did this.

So you were identifying yourself with the action of those who had already started breaking windows? -- Yes.

No more questions.

CHAIRMAN: How long did you spend in Boipatong on this mission? -- What I think is it could have been about 30 minutes.

Now at what point in time that night did you find out that you were going on a mission to attack Boipatong? -- I saw that this movement was heading to Boipatong as we were moving in (30) the/ .....

the direction of Boipatong in the footpath.

Did you know what the purpose was of going to Boipatong at that time? -- I did not know anything at all.

When did you find out that the idea was to attack houses in Boipatong? -- When I saw windows being smashed.

Why did you pick up the stick on your way out of the hostel? -- I picked it up on the ground. Whether it had been put there or not I do not know .. (intervenes).

No I said why did you pick it up? You did not know that you would need a stick in Boipatong. -- (The last portion of the(10) answer was) .. because I had seen people carrying sticks.

So you thought you would carry a stick also. -- Yes Mr Chairman.

The other people who went with you, I presume they knew that they were going to attack Boipatong? -- I would say so yes, because these people had been staying in the hostel for a long time.

And afterwards you did not make any enquiries as to who organised it? -- No I did not ask.

You did not ask anybody why they attacked Boipatong? -- I(20) asked nobody because the police were there already.

Because the police ..? -- Because the police were there already.

But weren't you curious to find out information as to why there was this massacre in Boipatong? -- No. The other reason why I would not make any enquiries is that it would appear that one coming from outside, a newcomer, is not trusted by the people there.

Due to the extensive questioning from members of the committee, are there any questions arising out of it that counsel (30)

might/ .....

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