

Yes. So for some days prior to the date of the massacre you were already working at Boipatong police station? -- Yes, that is so.

And the reason that you gave for not going to work for about eight days after the massacre being that there was no transport available is therefore not true? -- (Was it after the massacre?)

Yes. -- It was true.

Now, if you were working at Boipatong, why did you have to phone for transport? -- According to my observations, the (10 station commander at Boipatong was not actually in favour of us working there, at the time. Now I was going there with the knowledge that we might be welcome to him or we may not.

I'm sorry, that answer makes no sense to me. -- I would go there, knowing well that I was not stationed there because this person would not welcome us. But at some times, would not go. On the days that I did not report for duty, I would wait for transport until it was late.

You know, you told us earlier this morning that you were very keen to work, you put on your uniform every day and you (20 wanted to go to work every day. Is that correct? -- That is so yes.

And we now know that for some days before the massacre you actually went to work at Boipatong? -- Yes, but those days have been regarded as days that I was absent from work.

And yet, are you saying that you were still, or when you went to Boipatong, you still went to work, you were still stationed at Evaton? -- Yes, I should have gone to Evaton.

And do I understand you to say that you were marked absent from work on the days that you went to Boipatong because you (30 did/....

did not report for duty at Evaton? -- Yes, those days have been regarded as days of absenteeism.

And I take it then that you were not paid in respect of those days either? -- The money that was deducted was about R100,00.

Was that for those days as well, for the days that you reported for duty at Boipatong before you were officially transferred there? -- (For the days that you were officially transferred?)

CHAIRMAN: In other words - no, sorry. When he was still stationed at Evaton, but he reported at Boipatong, was he paid for those days? -- No, I was not paid for those days.

MR HATTINGH: On what basis were you paid? Monthly, weekly, daily? -- Monthly.

And you have received your salary at the end of each month? -- Yes, I was receiving it properly.

And for those days that you were not able to go to work at all, this - inbetween the 14th and the 21st, were you not paid in respect of those days either? -- I was not paid for those days. (20

When did you discover that you were marked as absent on the days that you went to Boipatong instead of Evaton? -- I discovered this when my salary was not the usual salary and I wanted to know why and then I was told that I had been absenting myself.

And that must then have been at the end of June? -- Yes, I think it must have been the end of June.

Yes. Now, why, if you were so keen on working and going to work every day, why did you not report for duty at Boipatong inbetween the 14th of June and the 21st of June? --(Why weren't you..?) (30

Why/....

Why did you, when your transport did not arrive to take you to Evaton, why didn't you go to Boipatong as you did for a few days before? -- I have already said that we were not properly welcomed at Boipatong.

Yes, so why did you then ask for a transfer? -- (Why did you ask..?)

Ask for an official transfer from Evaton to Boipatong if you were not properly welcome there? -- Well, I ultimately spoke to Warrant Officer Motswene, telephonically, and asked him to talk to the station commander in Boipatong, so that arrangements<sup>(10)</sup> can be made for us to be transferred.

Who is the station commander at Boipatong, who is the person who did not want you there? -- It was Sergeant Erasmus.

Do you know whether he is still stationed there? -- Yes, he is still stationed there.

Yes. So because you were not welcome there, you waited for transport from Evaton on those days for which we have no entries from the 15th of June to the 20th of June? -- Yes, those are the days on which I had waited for my transport.

And..okay. -- But sometimes when I went to Boipatong to (20 report for duty there, I would be told on arrival that our transport was to come. It has been said that it was coming.

Yes, and did you then wait at Boipatong police station for the transport? -- Yes, I would wait there, having been told that the people at Boipatong police station have called the people at my police station.

On how many occasions did that happen, on how many days did you go to Boipatong and were you told that your transport would be coming? -- The question of phoning happened twice but we had got used to going there and sitting on the premises (30

of this police station, waiting for our transport.

On every one of those days? -- Yes, on every day we would go there and just wait there. We would sometimes be able to go and report for duty but sometimes we would not be.

Yes. The massacre occurred on the 17th. -- Yes, that is so.

Did you tell us that you ran away and that you went and stayed with people in Sebokeng? -- I fled after the massacre.

And went and lived in Sebokeng? -- Yes, I went and stayed in Sebokeng.

For how long did you stay there, after the massacre? -- (10 I stayed in Sebokeng for a number of days.

Can't you give us an estimate? -- I think it was about a week or so.

Yes, and how far is Sebokeng from Evaton? -- Sebokeng is very far from Evaton, I do not know how far.

And how far is it from Boipatong? -- (How far is Evaton from Boipatong or how far is Sebokeng from Boipatong?)

CHAIRMAN: Sebokeng, Sebokeng.

MR HATTINGH: Sebokeng from Boipatong, yes. -- I do not know how to estimate that, do you want me to say how many kilometres? (20

If you can, yes. -- Well, I do not know, because I do not know kilometres but I would estimate it is the same distance as I would walk from Vereeniging to Boipatong.

Can you tell me which is furthest away from Boipatong, Evaton or Sebokeng? -- Evaton is furthest away from Boipatong.

Yes. Is Evaton not closer to Sebokeng than Boipatong is to Sebokeng? -- From Sebokeng to Boipatong is the same distance or similar distance as from Sebokeng to Evaton.

Yes. I am not terribly familiar with the area. Can you tell me whether Sebokeng is situated more or less inbetween (30 Boipatong/....

Boipatong and Evaton? -- Yes, that is so.

Now, are you then saying to us that during that period of approximately one week that you were staying in Sebokeng, you came to the Boipatong police station to come and sit and wait there for your transport which is more or less in the opposite direction from Sebokeng than Evaton? -- Yes. I did.

So you want to get to Evaton police station and in order to do so you had to go about 10, 11 kilometres in the opposite direction to wait for transport? -- The actual distance - difficulty we had was not with the distance as such, but it was (10 with our safety.

Now, you fled from your home after the massacre, is that correct and you went and lived in Sebokeng because you were afraid that you might be attacked in Boipatong? -- Yes, that is so.

Do I understand you then to say that despite your fear, you nevertheless came into Boipatong every morning to the Boipatong police station to wait for transport from Boipatong to Evaton? -- Yes, that is so.

Why did you do that? -- Well, according to me, the people (20 who were troublesome to us weren't people or residents of Boipatong.

So why did you flee from Boipatong? -- I fled at the time that these people had come.

Who were the people then that were troublesome to you, as you put it? -- These were people who would come in Combi's, though I don't know who the owners of the Combi's were, but what I had heard was that these were comrades, from places such as Sharpeville.

And such as Sebokeng? -- Yes, that is so.

(30

And/....

And now you were running to the people who you were trying to get away from? -- No, I did not go to those people. You see, the place that I had fled to is a quiet place, and that is the first place that one would get to when entering Sebokeng after having gone past the hostel.

But you were very much afraid of the hostel? -- Yes, I was very much afraid of the hostel, but the police were not being troubled from the hostel.

Why were you afraid of the people in the hostel at Sebokeng? -- We have gone to the hostel, having received reports that (10 ethnic groups were in fights in the hostel. We would then go there to bring an end to such fights.

On the evening in question, on the day of the massacre, it was a Wednesday, did you also wait at the police station, at Boipatong for transport? -- No, I did not go on that day.

Why not, on that day? -- No, what I don't understand is what time you were referring to?

I'm sorry, I..(intervenes). -- After the incident or what time on that day?

Let us talk about the massacre occurred on the night of (20 the 16th/17th. Let us talk about the 16th.

CHAIRMAN: It was the 17th and 18th.

MR HATTINGH: The 17th/18th, I'm sorry.

CHAIRMAN: It was on the Wednesday evening, so you want to know about Wednesday morning?

MR HATTINGH: Yes. I want to know about Wednesday morning, the 17th, did you wait at the police station on the 17th? -- I did go and wait for my transport.

But not on the 18th? -- I did not go on the 18th. (30

On/....

On the 17th, what did you do when your transport did not arrive? -- I don't remember what I did.

And that night you were at home and you went to bed fairly early, you said, is that correct? About - just after 20:00?  
-- Yes, that is so.

Your Zozo is behind your parents' home, is that correct? -- Yes, that is so.

Do you also have a brother who is a policeman? -- Yes.

Where does he live? -- He stays in the next street from the street where my parents' home is situated. (10

Can we have the name of that street please? -- Barolong Street.

Can you give us his number, in Barolong Street? -- I will have to think -PAUSE- 634.

Is it far from your parents' house? -- I will indicate where the house is situated on the map in EXHIBIT 4.

MR PRETORIUS: Can he mark it with an X2 Mr Chairman?

CHAIRMAN: Is X1 the witness's house?

MR PRETORIUS: That is correct, Mr Chairman.

MR CHASKALSON: I was just wondering if we should not have a (20 different series of letters in case anything turns on what was X1 and X2 on the record.

CHAIRMAN: Well except there are no other markings on this one this is the first witness to use this.

MR CHASKALSON: No, I understand

CHAIRMAN: Was - is your brother also a special constable? -- No, but he is a constable in the SAP.

At which - and where is he stationed? -- In Vanderbijlpark.

MR HATTINGH: I'm sorry, Mr Chairman, I missed that?

CHAIRMAN: He said his brother is a constable at - stationed(30 at/....

at Vanderbijlpark.

MR HATTINGH: Thank you. Was he stationed there at the date of the massacre? -- Yes, that is so.

And he was living there, at the house on the day of the massacre, is that correct? -- Yes, that is so.

Does he still live there? -- No, his house got burnt down after he fled.

Who do you think burnt his house down? -- I think it is young men from Sharpeville.

Why would people from outside Boipatong come and attack (10 police inside Boipatong? -- Well, it is Boipatong that still has policemen living in the township. Now the decision they have come to is that they will attack the police, because it is the police that killed the people.

How do you know about that decision? -- That is what I heard people say in the streets.

In Boipatong? -- Boipatong, yes.

Yes, so were you also afraid of being attacked by people from Sebokeng or Sharpeville? -- Yes, I was afraid of that.

And so were your other colleagues living in Boipatong? -- (20 I don't know so much about them but I have heard that some of them were putting up in their houses.

Can you tell us whether prior to the massacre, the police every came into Boipatong at night in ordinary vehicles, as opposed to armoured vehicles? --

CHAIRMAN: Ordinary police vehicles?

MR HATTINGH: Ordinary police vehicles, yes Mr Chairman. -- (The people came in..?)

CHAIRMAN: No, whether the police came into Boipatong in ordinary police vehicles as opposed to armoured police vehicles. -- (30

(Police)./....



(Police).

MR HATTINGH: Whether..(intervenes). -- No, they were coming in Hippo's.

Was there a reason for that? -- There was a reason, yes.

What was the reason? -- The reason why we, the police, travelled in Hippo's is that it had been generally taken that people shoot at the police in the townships.

People from the townships? -- People would shoot from the townships.

Yes; but the residents of Boipatong would shoot at the (10 police when they come in? -- No, according to me, this would not be done by residents of Boipatong. We have also been staying in Boipatong. No policeman was ever killed, no policeman was ever shot dead, according to my knowledge, in Boipatong.

CHAIRMAN: As I understand what you are saying: You do not know who the people are who will shoot at policemen? -- No, I would not be able to specifically say who these people are.

Or where they came from? -- I also would not be able to say where they come from, nor would I know where the weapons they use come from. (20

MR HATTINGH: Have you ever witnessed such an attack on the police? -- Well, I would say so. The police station in Sharpeville was attacked and we were sent there.

No, but I am talking - sorry, were you finished, Mr Chairman? I am talking about attacks on police in Boipatong. -- I have seen attacks on police in Boipatong.

Can you tell us about that? -- This was after the Boipatong massacre.

Not before? -- Not before.

Then I will come back to it later. Do you know a person(30 by/....

by the name of - you mentioned a person by the name of George earlier in your evidence, didn't you? -- Yes, that is so.

And that is the person who used to live in Boipatong and then moved to KwaMadala? -- Yes, that is so.

Do you know his surname? -- No, I do not know.

You grew up with him? -- Yes, that is so.

Have you ever as a policeman, taken action against him? -- Yes.

Tell us about it? -- A girl came running and reported that some young man wanted to take her forcibly. I asked this girl (10) who that was and she told me that it was George. I went to George and told him that what he had done will cause him to land in prison. He had better stop it.

Where - was this in Boipatong? -- It was in Boipatong.

Was he still living in Boipatong at the time or had he already moved to KwaMadala? -- He was still living in the township in Boipatong. He used to be with a group of people that went about doing wrong.

And when you spoke to him, did he listen to you on that occasion? -- Yes, he did, although he was stubborn. (20)

Do you know any other person by the name of George against whom you have taken action as a policeman? -- No.

You have never taken an AK-47 from a person by the name of George? -- I have taken an AK-47 from this very George that we have been discussing.

Yes, now was that on the occasion that you just told us about? -- No, it was afterwards.

Now that is a very serious thing, you took an AK-47 away from him, why did you not tell us about that? -- I think this is mentioned in my statement. (30)

Which/....

Which statement? -- During the interview I did mention this. You see..(intervenes).

CHAIRMAN: Interview with who? -- With Mr Pretorius.

MR PRETORIUS: I confirm that. I confirm that, Mr Chairman. -- I was asked a lot about occurrences in the township and I did make mention of this as well.

MR HATTINGH: Now when did you take the AK-47 away from George?

CHAIRMAN: Mr Hattingh, may I just enquire, is there direct relevance of this George incident?

MR HATTINGH: Yes, Mr Chairman. I would submit there is. (10

CHAIRMAN: Very well.

MR HATTINGH: When did you take this AK-47 away from him? -- It was in January.

Of this year? -- Of this year, yes.

And was he then already living in KwaMadala? -- Yes, that is so.

Where did you find him with the AK? -- He was with a group of people that had come into the township, they had gone to a tavern where they assaulted people. The youths in the township gave chase at them. I followed. When they got to a taxi- (20 rank for the taxi's bound for Sebokeng they produced AK-47's one of them had a pump-gun. When they produced these AK-47's they started shooting. The people then fled, they ran into houses. Now some of these people that had been shooting, ran away, only one of them remained behind. I was with a friend of mine and I suggested to this friend that we approach this man who had remained behind alone, and my friend then suggested that we should rather not do it, unarmed.

Yes, well, we do not want all the details, I asked you where did you take the gun away from him? -- This person ran into a house. I went/....

went to the house, I went to this house running after this person. He then threw this gun under a bed.

CHAIRMAN: Mr Xaba, just answer the question. You give long stories. Just listen to the question, and answer it.

MR SITHOLE: The question is: Where did you take that gun, where, where? -- I got this gun under the bed.

MR HATTINGH: And the person that you have been talking about, was that George? -- No, it is not George.

You confirmed that you took an AK from George. My next question was: Where did you take it away from George? -- (10 George had a gun, he is one of the people who ran away with his gun. There was somebody else whose gun is the gun that I got from under the bed.

CHAIRMAN: No, Mr Xaba, please listen to me now. You asked - did you take a gun from George? -- No.

MR HATTINGH: Well, then I do not understand you because you specifically said so.

CHAIRMAN: Well, you said that you took an AK-47 from George. -- Well, I was actually saying that George had been demanding for a gun from me. (20

Mr Xaba, you told us that you took an AK-47 from George, is that correct or not, did you say that? -- It was not from George.

MR HATTINGH: You even said to us that you told Mr Pretorius about it and he confirmed it? -- I was asked if I had ever recovered a gun and I said yes, I have made mention thereof in that statement.

On the evening in question, the evening of the attack, what woke you up? -- (Is this the evening of the massacre?)

Yes. You went to bed just after 20:00 I think you said.

-- I was awoken by noise. (30

-CHAIRMAN: What was the noise? -- Which was gunshots.

Sorry.

MR HATTINGH: And what were your immediate thoughts when you woke up, what were your immediate thoughts, what did you think what was going on? -- I asked myself if the police were perhaps dispersing people that were causing commotions and noises, or riots in the night but then I said to myself the usual practice for the police is not that of using automatic guns when dispersing people.

Right, and the shots that you heard, were they shots from (10 automatic guns? -- Most of the shots, yes, were from automatic guns.

Can you distinguish between the sound made by an AK being fired and the sound made by an R5 or R4 for instance being fired? -- No, I would not.

Yes. So when you - when the thought occurred to you that the police do not normally use automatic guns to disperse people what did you then think what did you think what was happening? -- I then said to myself: This could not be the police shooting.

Yes. -- I then went out of the house. (20

Were you not afraid? -- I was not afraid.

The previous time when you heard automatic gunfire, you were too afraid to go out of the house, you remained inside. -- Before the massacre?

Yes. -- Yes, I was afraid.

Why afraid on the first occasion and not on this occasion? -- I had decided rather to go out because people sometimes get killed even inside houses. Now I decided to go out, whether I am killed or not, but I was going out.

Did you think that you might as well be killed outside? (30

-- Well/....

-- Well, what came to my thought is that because I had heard the sound of a Hippo, let me go out, I might get some help.

When did you hear the sound of the Hippo, at that stage?

-- While I heard the gunshots, I also heard the sound of the Hippo, it was after I had gone out.

Yes, but you heard the gunshots before you went out? -- I had heard it, yes.

Yes. At that stage you had not heard the Hippo yet? -- I had not heard the Hippo, yes.

So you could not have thought that the Hippo would be there<sup>(10)</sup> to protect you? -- I thought it would be there.

Thought it would..? Would be there? What made you think that? -- What I knew was that there were normally policemen around the township in the night. There had been policemen in the township before I went to bed.

Where did you see policemen in the township before you went to bed? -- I came across a passing Hippo when I was on my way back home before I went to bed.

Back home from where? -- I was from a relative of mine.

Where does this relative live? -- In the same street as (20 where my parents' home is situated.

Yes. Alright, you then decided to go outside and did you then move in the direction from where you heard the shots coming from? -- No, that is not so.

Well, what did you do when you got outside? -- (Mechanical defect).

When you got to the gate did you then observe the Casspir? -- Yes, I saw it.

Can you tell us how far it was away from you at that stage? -- It was already moving in our street when I got to the gate.

Yes, in Majola Street but was it already in front of your house or was it still approaching your house? -- I think it could have been about four or five houses away.

CHAIRMAN: Was it still coming towards your house? -- It was still coming towards our house. (10)

MR HATTINGH: Am I correct in saying it was coming from the direction of Lekoa Street? -- It was coming from the direction of Lekoa Street and moving in the direction of Slovo Park.

It was therefore coming from your left? -- Yes, it was.

Now you told us in answer to questions put to you by Mr Chaskalson, that photographs were taken with you standing in the position where the Casspir was when you first saw it, is that correct? -- I was asked to get a policeman to stand there. (20)

Sorry, I think you are correct. You showed a policeman where he had to go and stand and that position was where the Casspir was when you first saw it? -- Yes.

And correct me if I am mistaken but I understood your further evidence in this regard to be that subsequently you were shown a photograph and you did not agree that that policeman was standing in the position which you indicated at the time that the photograph was taken in your presence. -- That is so yes.

Are you saying then that they must have taken another (30)  
photograph/..

photograph in your absence with the policeman standing further away from your house than the position that you indicated? -- No, I do not think they took other photographs but in my mind what I know is that a camera has what is called a lens, so I think they must have caused this lens to make the person appear further than the place I had indicated.

But from all that I gather that you are pretty sure where the Casspir was when you first saw it? -- You are pretty sure?

(10)

You seem to be pretty certain where it was because you are able to say on the photograph it appears to be further than the position that you indicated at the time when the photograph was taken. -- You see but according to me they should not have asked me the question where this Hippo was when I saw it because it was not stationary, it was in motion.

Yes, but one can more or less indicate what a position was when you saw it for the first time. -- Yes, estimating I could do that and it was about the sixth house.

(20)

The sixth house? -- Yes.

And did you when the photograph was taken, did you take up the position more or less at the sixth house from your house, or the policeman sorry, did the policeman take up the position more or less opposite the sixth house from your house? -- When I pointed out a house where I had last seen it when I left the gate, you see I was just doing this to get rid of these people because they were speaking to me in an unmannerly way.

Sorry, can I just get this clear. Are you denying (30)

now /..



now that you showed a policeman where to stand and that that position was supposed to be where the Casspir was when you saw it for the first time? -- I do agree that I did indicate to a policeman where to stand, this is where I had last seen the Hippo.

Yes, last seen the Hippo. -- Yes.

So did you not indicate a position where you saw it for the first time? -- I did not indicate that because I had to do with people who were not speaking to me in a mannerly way, they were just speaking roughly to me. (10)

Why did they ask you to indicate the position where you had last seen the Casspir? -- Why did they..?

Why did they ask you for that position? -- I think they just wanted to determine as to whether I had seen it properly and/or whether it had been far or not.

And are you saying that the position of the Casspir that you saw on the photograph which appeared to be further away than the distance, the position that you indicated, that that was a photograph of the Casspir where you had last seen it? -- Yes, that is so. (20)

But he also asked you on the occasion when you were shown the photograph, how could you see the people behind the Casspir with the Casspir coming towards you and the lights shining onto you? -- Yes, I was asked that.

And were you not asked to indicate the position of the Casspir when you first saw it? -- I was not.

Are you sure? -- Yes, I am sure.

And let us just deal with this occasion when you were asked to point out certain points. What else were you asked to point out on that occasion? -- I was asked to stand at (30)

the /..

the door of the shack. I was made to do many things.

Yes, let us deal with it. Were you asked to stand at the door of the shack in which you lived? -- Yes.

And was a picture taken of you whilst you were standing there? -- Yes, I was.

Were you asked to point out any other things to them? -- I was asked to stand next to the shack, they took photographs from the gate.

With you standing right next to the shack? -- I was standing next to it, a little distance from it. (10)

Why were you asked to stand there? -- I would not know.

Did you tell them anything about the position where you were asked to go and stand? -- I had not told them anything.

Is your shack visible from the gate? -- No, it is not.

Were they perhaps trying to show the distance from the gate to your shack? -- I did not ask them what was actually taking place because I could not even properly talk to them.

What other photographs were taken there? -- I was asked to stand at the gate. (20)

And did they take a photograph of you standing at the gate? -- Yes, that is so.

Was that the position where you stood when you saw the Casspir coming? -- Yes, that is so.

And any other photographs? -- No, none other.

When you were standing at the gate and when you saw the Casspir coming along, did you at that stage already observe the two people in the camouflage uniforms behind it? -- Yes, that is so.

Where were they walking in relation to the Casspir? (30)

They/..

-- They were moving behind it, not close to it and they were actually trotting.

Would you say they were more or less in line with the Casspir - behind it? -- They were about in line with it, behind.

And the Casspir itself, where in relation to the road was it travelling, in the middle of the road, right, left-hand side? -- It was in the middle of that street.

The street in which you lived, is it a tarred road? --  
It is a gravel road. (10)

Yes. Can you give us an indication here in this room if possible how far the two men in uniform appeared to be behind the Casspir? -- They were at the distance as from about where I am sitting to where Mr Pretorius is sitting.

CHAIRMAN: 10 to 12 metres? No, a bit more, about 12 to 15 metres?

MR HATTINGH: We can pace it off or measure it, Mr Chairman, I would say 10 to 12 is more accurate.

CHAIRMAN: May I just ask, could you see the colour of the two men in camouflage, were they white or black? -- Yes, I (20) could see.

And? -- They were white.

And the two men walking in front? -- Those were black.

MR HATTINGH: The two men behind the Casspir, you said they were running or trotting? -- Yes, they were.

And they were (simultaneously) -- And they..

Sorry? -- ..were trying to keep pace with the Hippo.

And you also said they had guns? -- Yes, that is so.

Did you observe that fact when you noticed them the first time? -- Yes, that is so. (30)

Could /..

Could you see what kind of guns? -- Yes, I could.

Yes, what were they? -- They were automatic rifles.

Can you say what kind, R1, R5? AKs? -- According to the length that I saw it could have been R1s.

R1s. Are you saying therefore that the guns that they had were longer than the AK and the R4 or R5? -- I would not really say that but these were long guns.

What made you think that they were R1s? -- Well, according to the magazine I would say they could have been R1s or even R5s. (10)

I thought you said they appeared to be R1s? -- Yes, I am not specifically saying they were R1s, it is an estimation.

But they were long ones? -- Yes, they were long.

And did you say something about the magazine of the guns that you saw? -- Magazine?

Of the guns. -- You see there are many kinds of guns. Pump guns are also long guns.

Yes. -- But I say they were automatic because I saw the magazine. (20)

Can you describe the magazines that you saw? Were they curved or straight? -- No, I would not be able to see whether it is a curved magazine or not in the night.

But you saw the magazines? -- Yes, I did.

And that is how you knew they were automatic rifles? -- Yes, that is how.

Well, if you were able to see them why can't you describe them? -- I do not just want to talk about something I did not properly see.

You know that an R5 is much shorter than an R1, don't (30)  
you /..

you? -- I do know that the R5 is shorter than the R1 but having looked at this thing and having seen that it is a long gun, though I did not look at it for a long time, I could see that it was a long gun, it is not a pistol.

Now why do you say it could have been an R5? -- I do not say it was actually an R5 but according to the sound of the shots what I thought to myself was that it could be an R5, R1 and it could also be an AK-47. I had thought about seeing whether or not it has a magazine.

Why was that important to you at the time? -- Well, (10) having seen how these people were dressed I saw the guns and I saw that they are magazines on those guns.

Yes, but why did you particularly take notice of the magazine? Why were you interested in establishing what type of guns it was that these people were carrying? -- Well, according to me, people dressed in that way are not members of the police. They are not supposed to be carrying such guns, that is why I looked at these things and I saw this.

We are still talking about the guns that the people behind the Casspir had - you realise that? -- Are we still (20) discussing them?

Yes. -- No, I am talking about the people that were in front.

THE COMMISSION ADJOURNS

THE COMMISSION RESUMES

NTIETSA MOSTER XABA, s.u.o. (through interpreter)

EXAMINATION BY MR HATTINGH (CONT.): Have you taken your pocket book back? -- Yes, I did take it back.

May we have it, please? Mr Chairman, may this book be handed in as - I think EXHIBIT..

MR PRETORIUS: 25.

(30)

MR CHASKALSON: /..

MR CHASKALSON: Would it not be possible to make copies of the relevant parts and let the witness have his book?

MR ROSSOUW: Mr Hattingh, do you need the pocket book now?

MR HATTINGH: No, I do not.

MR ROSSOUW: Can it be taken ..

MR HATTINGH: And photocopied.

MR ROSSOUW: That is quite a lot of photocopying to do. What about the relevant parts?

MR HATTINGH: That was the suggestion. I would say starting on the first page up to 21 June, Mr Chairman. It is (10) not so many pages and then also if I may be permitted, I may have to come back to it and..

MR ROSSOUW: How many copies do we usually have, about 10?

MR PRETORIUS: 10.

MR HATTINGH: Mr Chairman, we tried to make copies of it this morning when we first received it but unfortunately our photocopy machine broke down but I am sure another one was available to the committee, to the commission; I do not know. When I say ours broke down, the one that we had furnished to us by the police. Now Constable, just before the lunch (20) adjournment we were talking about the firearms that the men had that came running along with the Casspir. You then said you understood I was referring to the men in front and not the men behind the Casspir. -- That is so.

So I would just like to get clarity on this aspect. I am going to ask you again. At what stage did you see that the men behind the Casspir had firearms? -- As it was drawing near, just before I moved away from where I was standing I saw that these people were carrying firearms.

When you spoke about the sixth house this morning, (30)

what/..

what did you intend to convey by talking about the 6th house? Was that where you saw the Casspir for the first time? -- This is when I first saw the Casspir at about the 6th house.

And at that stage could you not see the men behind it? -- When I first saw it, I did not see those men.

Why is that? -- I would not have been able to see them, they might have been deeper behind the Hippo when I first saw it.

Are you saying that you did not see them because they(10) were not visible to you? -- Well I can only think that the reason might have been that they might have been closer behind the Hippo. It could perhaps be that as they moved on the gap between them and the Hippo might have widened. That could perhaps have been the reason why I could see them later.

If they were as far behind the Casspir when you first saw them, when you first saw the Casspir, would you have seen them? -- Do I think I would have been able to see them if they had been further behind it? (20)

If they were as far behind it - as they were when you first saw them? -- I do not think so. I do not even know where this Hippo came from, whether it had been coming along that street all the way or whether it had turned into that street just before I saw it. I do not know.

Right, when you saw the Hippo for the first time - I assume you must have seen the men in front of it immediately? -- When I first saw the Hippo I realised that there were people in front of it.

Well, how did you realise, how did you come to realise/.. (30)

realise that there were people in front of it? -- The people I first saw were the people in front of the Hippo. The Hippo has lights and these lights were on.

And the lights were shining on these people? -- Yes, they were.

How far were these two people from the front of the Casspir? -- The people in front of the Hippo were not as far away from it as the people behind it. They were nearer.

And the lights of the vehicle were behind them as they approached you? -- The lights were behind them? (10)

Yes. -- Yes.

Were they running next to each other, close together or far apart? -- They were a distance apart.

More or less abreast? -- Yes.

And could you immediately see that they had firearms? -- Yes, just when I saw them I also realised that they were carrying guns. These were long guns and visible.

Can you give us some indication of the distance between them? How far were they apart? -- I would say about the width of the Hippo. I want to think the one was in front of the one light while the other one was in front of the other light. (20)

And you gave the distance that the men behind the Casspir were from the Casspir as from where you were sitting up to Mr Pretorius? -- Yes, that is so.

Can you give us some estimation of the distance that the men were in front of the Casspir? -- They were nearer. They could have been as far as from where I am sitting to this chair, the orderly's chair.

About four metres from where he is sitting to this chair/.. (30)



chair.

And did you immediately, you said you immediately noticed that they had firearms. Could you see what type of firearms they were carrying? -- Yes, I have already explained that what I noticed was that these were long guns.

So the guns that you were talking about before lunch were the guns that the men in front had? -- Yes.

And did each of them have a gun? -- That is so.

And were the guns that they had similar? -- According to my observations, yes. (10)

Where was the Casspir more or less when you noticed the men behind it for the first time? -- Where were they, these men?

No, no, where was the Casspir when he observed the men behind it for the first time. -- It was at about the third or the fourth house.

Could you immediately see that the men behind the Casspir also had guns? -- I saw these people behind the Hippo when it was nearer, about the third or the fourth house.

Yes, but that was not the question. The question was (20) when you saw them for the first time did you immediately see that they had guns? -- Yes, that is so.

And can you describe those guns for us? -- According to what I saw they were similar.

And they are now about two to three houses closer to you than they were when you saw the guns in the hands of the men in front for the first time? -- You are now confusing me. You want me to be saying these people were about the third house when I first saw them? I have said the vehicle was at about the third house when I first saw those people (30)

behind/..

behind it.

All I am saying to you is at that stage they were closer to you than the two in front were when you saw their guns for the first time? The men behind behind, when you saw their guns for the first time, were closer to you than when you saw the guns in the hands of the men in front of the Casspir?

MR SITHOLE: No, the witness does not understand. -- He does not understand at all.

MR ROSSOUW: It is a very difficult concept to put across(10) Is it very important?

MR HATTINGH: Perhaps I should try and deal with it in another way. Could you clearly see the guns in the hands of the men behind the Casspir when you saw them the first time? -- Yes, I did.

And can you describe the magazines of those two guns for us? -- I could not give you a description of the people that were nearer to me, a description of the magazines of the guns carried by the people that were nearer to me, so I would not be able to give you a description of the guns (20) that were carried by the people that were further away from me.

Could you not see the guns clearly? -- I saw the guns. I am used to guns, I work with guns every day.

Yes. -- So even if it is dark, if a person is carrying a gun then I would be able to see that this is a gun that is being carried by the person even in the dark.

Yes, that is the very reason why I am asking you these questions. You know guns, you saw the guns clearly - can't you tell us what kind of gun it was? Was it an AK, was it(30)

a R5, a R4, shotgun, what was it? -- I did not look at these guns so carefully as to be able to see whether they had AKs or whatever. I do know that an AK has a curved magazine. Seeing what type of guns these were, AKs, R5s, or whatever, was not so important to me.

Why not? -- What I thought was that the people behind the people in what seemed to be police uniforms were perhaps chasing the people that were running in front of the Hippo and as I was asking myself whether these people were chasing those in front of the Hippo, a shot went off. (10)  
Having seen that these people were carrying guns were sufficient to me.

Just on the guns, these four men were they carrying their guns in their hands, slung over their shoulders or what? -- They were each carrying these guns in one hand, the people in front had the barrels of the guns facing up and the people behind the Hippo had the barrels of their guns facing downward as they trotted.

Now you have already told us that the men behind the Casspir were sort of trotting behind. -- Yes, even the (20)  
Hippo was moving slowly.

Yes, and the men in front were they therefore also trotting in front of the Hippo -- They were yes. The Hippo also continued moving slowly.

Why did you think that the people behind the Hippo might possibly be chasing the men in front? -- I was just thinking could these members of the police perhaps be chasing after these people in front of the Hippo because they were wearing, the people behind, police uniforms.

Yes, but you know what a man runs like when he runs (30)  
away/..

away from the police and what a policeman runs like when he is chasing after a man running away? -- Yes, I do know.

And that was clearly not the picture that you saw there? -- Anybody who would have seen how fast these people were running which is ordinary trotting would have realised this. I also said to myself: these people are not actually running away, they were just trotting.

Yes. -- They are not being chased.

At what stage was the first shot fired?

MR ROSSOUW: With reference to what, Mr Hattingh? With (10) where the Hippo was, with what time it was?

MR HATTINGH: Perhaps I should put it this way. How close were the people in front of the Hippo when the first shot was fired? -- How close?

How close to you. -- It could have been about the fourth house where I last saw the Hippo.

Where? -- Where I last saw the Hippo.

And was that the stage when the shot was fired? -- Yes.

I am not sure, how many shots were fired? One or more? -- One cannot count the ammunition shot by an automatic (20) gun when there is shooting from an automatic gun.

Yes. So I gather that many shots were fired? -- I would say it was a few but don't ask me to tell you what I do not know.

Now which of the two men fired shots, the two men in front of the Casspir? -- It was the men on the furthest side from me.

Did he fire in the air? -- Yes, he did.

The other one, did he not fire any shots? -- He did not.

(30)

And /..

And apart from those four men on foot did you see any other men on foot in the proximity of the Hippo as it approached you? -- The Hippo had not come right up to me; when the shot went off I ran away.

Yes, but before the shots were fired did you see any other people on foot in the vicinity of the Casspir either alongside it, in front of it, behind it, apart from the four men you have already described? -- I had not seen other people.

And at that stage had you only looked to the one side(10) to your left? You did not look to your right as well? -- I concentrated on what I saw there, which I just could not believe to be true.

The two men in front, how were they dressed again? -- They were wearing white overalls with red headbands around their heads.

That is a full overall? -- It was a full overall.

Yes, and red headbands? -- Yes.

Could you make out the colour from where you were standing? -- Yes, the Hippo was having its lights on, on these (20) people as they ran in front of the Hippo.

Yes, but it was shining on that part of their bodies that you could not see. -- No, that is not so. These lights do not just shine on the ground.

No, the lights were shining on their backs and they had their fronts towards you. -- Yes, that is so.

And yet you saw you could see the colour of their headbands? -- Yes.

How were you able to make out the clothes that the men behind wore? -- How were you able to make out..? (30)

Yes /..

Yes, to see what clothes the men behind the Casspir were wearing. -- I did, yes.

Was there sufficient light? -- There was sufficient light.

Where did the light come from? -- There are these high mast lights in the street just above. The Hippo's lights behind were also on.

What colour are the lights of the Hippo, the rear lights? -- They are red.

Red? -- They are red. (10)

Now could you see whether these camouflage outfits that they were wearing were in fact uniforms or not? -- What I thought was that this was uniform because there is also the vehicle.

Was it the vehicle that made you believe that the clothes that they were wearing were uniforms, police uniforms? -- Yes, I saw that these were camouflage clothes. I had seen this properly and I believed that this should be police uniform because here is the police vehicle as well.

Yes. When you received training did you also wear a camouflage uniform? -- Yes, that is so. (20)

Before the one man in front of the Hippo fired any shots, did you hear any shots being fired elsewhere in the township? -- I heard shots.

So you know exactly what these uniforms look like? -- I know.

When the shots were fired you turned around and you ran away, is that right? -- Yes, that is so.

And you went past the kitchen door? -- I knocked and went past. (30)

Why/..

**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.