

THE COMMISSION RESUMES 23 APRIL 1990: LONDON.

CHAIRMAN: The purposes of today's hearing is to hear the evidence of Messrs David Tshikalange and Dirk Coetzee and in that sequence. At the request of Mr Kuny he will lead these witnesses. In view of the multitude of representatives it must be stressed at this early stage that parties with a similarity of interests must kindly negotiate amongst themselves of who will examine and in relation to what aspects.

You must please keep in mind that as a general rule a party must at least have an interest in a subject matter, the (10) party with the greater interest will on a particular subject have a greater right to examine and duplication must be prevented.

The sequence of examination will be more or less the following:

Firstly Mr Kuny, then Mr Maritz, then counsel for other parties implicated, if any, then Mr Pretorius, then Mr Skweyiya and counsel for other interested parties, if any, then Mr Roberts and then there will be occasion for re-examination. There is no running record and tapes will from time to time be transmitted to South Africa for transcription purposes. Kindly keep proper notes. Our access to other (20) facilities is also limited and you are requested to bear with us. Thank you.

MR KUNY: Thank you, Mr Chairman. Mr Chairman, as you have indicated the first witness to be called is Mr David Tshikalange and he is present and ready to give evidence. We wish, though, before he starts his evidence to place before the commission a difficulty which presents itself in regard to the question of language. Mr Tshikalange is basically Venda speaking. He also speaks Sotho. He speaks English and Afrikaans to an extent and we have been consulting with him in(30)

English/..

English and it is clearly not his preference to give evidence in English or Afrikaans. On Thursday of last week when we realised the difficulty, we communicated with Mr Erasmus from London to Pretoria to ask whether an interpreter could be made available and he said he would see what he could do. On Saturday we spoke to Mr Roberts or perhaps it was Friday afternoon, and indicated that we had made this request. He indicated to us that it had not been possible to make arrangements for an interpreter. The result is that the witness is going to be unfortunately severely handicapped in answering questions and particularly in dealing with cross-examination and we want to underline this at the outset because it may affect the quality of his evidence and it may affect attitudes towards the question of his credibility. There are people present who may be able to assist when it comes to any difficulty in language, whether it be in Sotho or in Venda and we may at times to ask the indulgence of yourself in order to clarify matters where the witness indicates that he could be in difficulties.

CHAIRMAN: Yes, thank you, Mr Kuny, I am fully aware of (20) the difficulty and I will obviously take cognisance of that. Could I request counsel in examining to ask short questions and do not use difficult words. That may solve the problem if we deal with the matter on that basis.

DAVID TSHIKALANGE d.s.s.:

MR KUNY: Mr Chairman, we did prepare, as you know, a very short outline of the witness's evidence and broadly speaking the evidence will follow the lines set out in that outline.

MR ? : Mr Chairman, before my learned friend commences examining here, we have made that outline an exhibit, (30)

B1 - 6/..

Cl.58

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TSHIKALANGE

B1 - 6. I have already furnished you with a copy and I have a

few further copies for other parties.

EXAMINATION BY MR KUNY: Mr Tshikalange, before we get on to dealing with the subject matter of this commission, I would like to deal with your personal circumstances. Just tell the commission a little bit about yourself. You are 35 years of age and you were born at Sibasa in Venda. -- Yes.

In 1955, and you grew up there? -- I grew up there.

And you attended primary school where you completed standard six and thereafter you went to high school up to (10) standard eight where you finished in 1979, is that correct? -- Yes.

And that was at Sibasa? -- At Sibasa.

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

And do you have any children? -- I have got a child.

Would you speak up a little so that .. -- I have got one child.

Where is your wife and your child? -- There in Pretoria.

Now, you started working for Mr Dirk Coetzee a long time ago? -- Yes, while I was still at school. (20)

And in what capacity did you start working for him? -- I was a gardiner.

And where was that? -- It was at Sibasa.

Did you continue to work for Mr Coetzee even after he left Sibasa? -- Yes, I did continue to work for Dirk after he left Sibasa.

Where did you go to? -- I was at Volksrust and then I was also at Oshoek and Middelburg.

Was it in the capacity as gardiner that you continued to work for him? -- Yes, in the capacity of gardiner. (30)

And then/..

Cl.89

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TSHIKALANGE

And then did you eventually end up at a place called Vlakplaas near Pretoria? -- Yes, in 1981.

How did it come about that you went to Vlakplaas? -- As I was looking for a job in fact and then he said then I could get

a job at Vlakplaas and then I started to work there being a labourer.

What did he have to do with Vlakplaas? Dirk. -- He was a policeman. In fact there was a lot of Askaris and a lot of other people coming from Mozambique and Zimbabwe.

To Vlakplaas? -- Vlakplaas, yes. (10)

And was he working there, Dirk Coetzee? -- Yes, he was working there.

And he offered you a job at Vlakplaas? -- Ja, he offered me a job at Vlakplaas.

And that was in 1981, which part of 1981? -- It was in the beginning of 1981.

Now, at the beginning you say you were a labourer, what did that involve your doing? -- In fact I was making food for those whites who used to the farm and those other Askaris.

Now, you speak about Askaris, what were Askaris? -- (20) Askaris, we call them Askaris, it is those people who were defected from the ANC, who were working with the police.

And were they at Vlakplaas? -- Yes, they were at Vlak- plaas.

Did they live there? -- They lived there and then they used to go out and work outside.

And you mention people from Mozambique and Zimbabwe. -- Some of them were being sent to Koevoet to work there. Some times, after three months, they used to come back.

What did Vlakplaas actually consist of? What was it?(30)

-- Vlakplaas/..

Cl.116

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TSHIKALANGE

-- Vlakplaas consist of those Askaris, I mean, it was Askaris, the defected ANC members who are working with the police and some other policemen too who are responsible for them in fact.

Now, did you remain a labourere there or did you change your capacity and your work? -- As time goes on then I joined the police being in Vlakplaas.

Yes, in what capacity did you join the police? -- And then I started to work as a student constable.

What did this mean, what sort of work did you then have to do as a student constable? -- Well, I started to go out(10) with those Askaris when they go out for a month and then they come back month ending.

And what about your pay, did that alter? -- Of course I was getting a pay as a student constable.

Was it more than you were earning as a labourer? -- Pardon?

Was it more than you earned as a labourer? -- Yes, it was more than what I was earning while I was being an HQ labourer in fact.

As a student constable, did you carry a fire-arm or (20) a weapon? -- No, I did not carry any fire-arm.

Or any other weapon? -- No, I did not other than - no, I did not carry any weapon in fact.

And when you went out you say with Askaris what was the purpose of going out with them? -- When we went out then we used to move around making some surveillance to the base station, train stationed - I mean all around the places in fact.

What were you looking for? -- We were looking for, I mean those people whom - those Askaris as we were going out with them they are the one who knows those other people of the (30)

ANC/..

C1.145

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TSHIKALANGE

ANC. I mean they were the one who used to show where is that man or ..

And then what would happen to a person who was pointed out? -- Either he can get shot or either he get arrested.

I will come back to that in a while. Do you remember during 1981 going to the Eastern Cape? -- Yes, I still remember.

Can you remember for how long you went to the Eastern Cape?

-- I think it is around three months. I cannot remember so much how long were we there, because we were there for (10) a long time.

Which of your colleagues went to the Eastern Cape with you?

-- The wholly squad.

The whole squad. -- Yes.

In particular who did you work with in the Eastern Cape? -- I used to move around with Almond, Joe, Thabo.

Now, Almond is Almond Nofemela. -- Yes.

Joe? -- I think - no, he was not there. No, he was not there.

He was not there? -- Yes. (20)

And Thabo? -- Thabo was also there.

Thabo who? -- Thabo Magage.

And was Dirk Coetzee there? -- Ja, Dirk Coetzee was there, Van Dyk - there were a lot of whites in fact although I cannot remember their names and a lot of blacks who were there in fact.

And where did you stay when you were down in the Eastern Cape? -- We used to stay in Lady Grey and some of the time we did use to change to Queenstown.

So you moved around? -- We did move around there. (30)

And what/..

Cl.171

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TSHIKALANGE

And what sort of work were you doing in the Eastern Cape?

-- In the meantime we were making a road-block on the way of Natalspruit, although there is a lot of things we did in the meantime there.

What other things? (Intervention)

CHAIRMAN: Just a moment. You say you had a road-block. -- Ja.

That was in the Eastern Cape? -- The Eastern Cape.

At Natalspruit? -- Yes.

MR KUNY: Is there a place called Natalspruit in the (10) Eastern Cape? -- Yes, when you go out from Lady Grey there is a place called Natalspruit.

And what other things .. -- Spruit or Natalspruit, some- thing like that.

Something like that, all right. What other things were you doing there? -- I still remember one of the time when we go somewhere in Barkley East. It was me, Almond, Dirk, Thabo and another white man. I think he was a warrant officer or a sergeant from Barkley East.

And what was the purpose of going to where you went? (20)  
-- We go to a certain farm where we burn the cars there.

Did you know whose farm it was? -- No, they just said it is one of the white farms - a white man's farm in fact.

And you say you burned cars there, did you know why you were to burn cars there? -- They talk a lot of things, but I cannot remember what was the purpose in fact, but they talk a lot of things about him and so on.

Was it explained to you? -- No, it was always being explained to Almond so, as my superiors.

CHAIRMAN: Just a moment, you say they took a lot of (30)  
things/..

Cl.199

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TSHIKALANGE

things. Who took things?

MR KUNY: No, they talked a lot of things. -- Yes.

So, it was explained to Almond? -- Yes.

Where you the most junior member of the squad? -- Yes, I was most junior member of the squad.

Did Almond or anybody else explain to you why you were going to this farm and why you had to burn cars? -- If I could remember a little bit and then they had said this man, he is working with the people who is another unions or other organisation which does not needed to the police in fact. (10)

Sorry, what sort of organisation? -- I cannot remember the name of the organisation.

And did you in fact go there and burn cars? -- Yes, we did go there during the night and then we burned the cars.

What sort of cars? -- There was a Volkswagen Beetle and a truck. I remember this other one was a tractor or a truck again.

And how did you burn them? -- We pour petrol and then we light the matches and then we run away.

Did you go back to see whether the cars burned properly? -- No, I never go there back again. (20)

You say Almond was there and Dirk Coetzee was there? -- Yes.

Do you remember another occasion while you were in the Eastern Cape when a car was, an Audi car was taken from one of the townships near Port Elizabeth? -- Yes, we were in Port Elizabeth and then we go out to a certain location. Well, as it was my first time to be on that place I cannot mention what is the name of that location and so on. We go there and steal a car. They said this chap he is belonging to a certain (30)

organisation/..

Cl.129

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TSHIKALANGE

organisation again also and then there was a key in fact. They did have a key from the police station. We did have a key.

Now, when you say "they", who was there, who participated? -- It was Dirk. There was also another white man from P.E. and Thabo, Almond and me.

Was the white man from P.E. a policeman? -- Yes, he was also a policeman in the security police.

And how was this car stolen? -- We got there - when we got there they said then we must hold the house till they (10) started the car and get it out.

What do you mean hold the house? -- We have to hold the handle of the door, if ever maybe there is a certain person, he try to come out then we must be holding the door. So they started the



car. I cannot remember whether it is Dirk or that other white person. They started the car and then they got out and then from there then we also run out.

And did you drive away in the two cars? -- Ja.

The car that you came in and the other car? -- Ja. When we go out and then we get into another car and then we (20) drive.

And do you know where you drove to? -- We drove it to a certain place. It is a sort of police station.

Yes? -- And then - I cannot remember it is Uitenhage or something like that - well, it was also the first time to be on that place in fact. So, we left it there and then - in fact Dirk said maybe he wanted to - he said maybe we could take it to Vlakplaas in fact. So after all then after all then he said - they said to him they have to burn it.

Do you know whether they burned it? -- Yes, he said (30)  
and then/..

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TSHIKALANGE

and then they burn it.

He told you that they burned .. -- Ja, he told me.

You did not see it? -- I did not see when they burn it.

Did you ever see that car again? -- No, I never saw it. He just told me they burn it next to the bridge.

Was it explained to you why you had to take that car, apart from the fact that it belonged to a man who belonged to an organisation? -- Nothing else. What I remember is that they talk about he belong to certain organisations.

Now, can you think of anything else of importance (10) that happened while you were down in the Eastern Cape? For example was there an incident involving a car in Allival North which you can recall? -- I cannot remember it correctly, that thing. I cannot remember it.

After you came back from the Eastern Cape can you remember

a time that you went to a place somewhere near Zee- rust? -- Yes, I remember.

What was that place and why did you go there? -- We got to a certain farm then they were - it was me, Joe ..

Joe who? -- Joe Mamasela. (20)

Yes? -- Almond, "luitenant" Koos Vermeulen, "kaptein" Jan Coetzee and another lieutenant. I cannot remember whether he was a lieutenant or a captain from Zeerust and "adjutant" Paul van Dyk and then - I mean, they were making fire there and then - there was a fire in fact. They were sitting around the fire.

Was Dirk Coetzee present? -- Ja, Dirk Coetzee also, sorry. Ja, Dirk Coetzee was also present.

Where was this place? -- It is next to - outside Zeerust, on the way to, I cannot remember that border post, whether(30) it is/..

Cl.300

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TSHIKALANGE

it is Ramadlaba, somewhere next to that place.

A border post to Botswana? -- Yes.

Had you ever been there before, before that time? -- No, I have never been there.

And did you ever go back after that time? -- After that time - yes, I mean we used to move around there.

Having gone to this farm, what did you do? -- Then while we were sitting there, I mean although they were not talking to me, they were talking to each other in fact, planning for attack to a certain house in Gaborone. (10)

In Botswana? -- In Botswana, yes, and then after that - and then Joe did go inside.

Inside where? -- To Botswana to make surveillance to that same house. So later on ...

Well, did Joe come back? -- No, he never came back. There was an appointment that will get him inside late.

Mr Chairman, in accordance with your ruling regarding extra-territorial acts, I do not propose to lead the witness relating to what happened. I just wanted to set the scene of the background. (20)

CHAIRMAN: Yes, no, I take ...

MR KUNY: Well, there was an arrangement to meet with Joe. -- Yes.

Did you thereafter leave this farm? -- Yes, we did leave the farm.

All of you? -- All of us. It was me, Dirk, Paul van Dyk, Koos Vermeulen, they painted their face with a black mixture. I do not know what was it in fact and then they put on the Balaclavas - I mean the copper hat and then those handgloves also and then we get inside to ... (30)

No, I do not/..

Cl.336

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TSHIKALANGE

No, I do not want to know about what happened inside the border gate. Having completed what you had to complete did you then return to the farm? -- When we returned - I do not think we did go to the farm again, then we shoot straight coming back.

To Pretoria? -- Ja, after ..

Did you go back to Vlakplaas? -- Ja, we go back - I cannot remember whether we did go to Zeerust or Vlakplaas, but we did retreat. I cannot remember which direction did we take in fact.

(10)

Now, we are talking about 1981. -- Yes.

A long time ago. -- Yes.

Did Joe Mamasela return with you? -- Yes, he returned with us.

Perhaps at this point you could tell the commissioner something about Joe Mamasela. When did you first meet him? -- Joe Mamasela, he came to the farm in 1981.

What was he? Was he a policeman? -- I heard he is an in-

former. In fact he used to hold a Tokarev with him.

A Tokarev being a hand-gun? -- Ja, a hand-gun with (20)  
him and then he did have also a paper that shows that he is working  
with the police and all that.

So you say he was an informer. Was he an Askari? -- He was  
an informer. What he told me, when I heard, when he dis- cussed  
the things, he said he did have a crash course from Botswana.

A crash course in what? -- A crash course from ANC.

From the ANC? -- Yes.

In doing what? -- In shooting in fact.

Did he seem to have much to do with Botswana? -- You (30)

mean/..

Cl.368

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TSHIKALANGE

mean in the time when we go there?

Well, generally. -- Yes, of course. I mean he is the one  
who did know Botswana so much, like the house which we were going  
to attack of course. He is the one who did have friendship and  
then he was being there as he said and that is where he did get  
his crash course in fact.

And apart from that occasion when you went with him to  
Botswana, were there other occasions when you worked with Joe.  
-- Of course we used to got Swaziland, although some of the things  
we were not successful. (10)

Yes, but you did work together? -- I mean we did use to go  
a lot with him.

Did you get to know him well? -- I did know him well, as he  
was staying in the farm in fact.

Can you describe him? -- He is a tall guy and also aggressive  
in fact when he is talking. He also talk too much.

Yes, what language did he normally talk? -- He normally talk  
Tswana.

Is that his home language? -- I cannot say, but what he used

to talk is only Tswana.

(20)

What language did you use to speak to him? -- It is Tswana.

Do you speak Tswana? -- Yes, I do try to.

Do you remember a time in 1981 that you were sent to Durban?

-- Yes, I remember the time when we have been sent to Durban.

How many of you went to Durban? -- Could I start ..

From Vlakplaas. -- .. from Vlakplaas?

Yes. -- I remember I was in the farm and then Koos Schutte, he was a sergeant, Koos Schutte, he came to the (30)

farm/..

Cl.401

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TSHIKALANGE

farm. He said he is from the office. Colonel Schoon said "You must be ready and then you are going to Durban".

He said to you? -- Yes.

Now, what about the other people at Vlakplaas? Had anybody else received instructions to go to Durban? -- There was Brian also whom he said he must also get ready.

Well, what about all the other people at Vlakplaas? -- The other people were not there, they were out already.

They were out? -- Yes.

So you were alone and you were told you were going (10) to Durban. -- Yes.

And Brian, Brian who? -- Brian Ngqulunga.

Who was he? -- He was an Askari.

Stationed at Vlakplaas. -- Yes.

Yes, and how were you going to go to Durban? -- They said, as he said, Koos Schutte, he said Almond is in town. I do not know whether he was in the garage or in the office. They said then he is coming and then he will come and pick you up. So you must be ready.

Did Koos Schutte explain to you why you were going to (20) Durban or what you were going to do there? -- No, he just said

and then we are being wanted in Durban, then later on, as he explaining to me, he said - when Almond came he said to me - they said I must get knives for you guys. I do not know whether you are going to kill a cow.

CHAIRMAN: Just a moment, please. Did Almond say you had to get knives or did Koos Schutte say you had to get knives? -- Koos Schutte, he is the one.

Did he tell you to get knives? -- Yes, he said and then they said I must look for knives for you guys. (30)

MR KUNY/..

Cl.434

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TSHIKALANGE

MR KUNY: Schutte said that he was supposed to look for a knife for you? -- Yes.

Did Koos Schutte provide you with a knife or knives? -- Yes, when Almond came there he was holding three knives and then Almond choose one knife from Koos Schutte, one hunter knife, is the one which we took it with us to Durban.

So you only took one knife? -- Ja, he took one knife.

CHAIRMAN: And did you take a knife? -- Pardon.

Had Almond picked a knife? -- Yes, he picked a knife.

And did you pick a knife? -- No, it is the only one (10) which we got.

Did you only take one knife down to Durban? -- Yes, we only took one knife.

That was Almond who took that knife? -- Yes.

MR KUNY: And did you then proceed to Durban? -- And then we proceed to Durban.

In what sort of vehicle? -- We were driving a Toyato, beidge, with a canopy.

It has been described as a bakkie, beidge in colour, is that what you say? -- Yes. (20)

And it had a closed canopy at the back. -- Yes, a closed canopy

with windows which got some - there were some other plastic which have been plugged on the windows. You can only see the people outside, but ...

They cannot see in? -- Yes.

CHAIRMAN: Could I just get this clear, please. Who was in the bakkie when you drove down to Durban? -- It was me, Almond and Brian.

MR KUNY: And where did you go in Durban? Where did you go to?

-- Oh, we go straight to C.R. Swart. (30)

That is/..

Cl.468

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TSHIKALANGE

That is the police station there? -- The police station, yes.

On your way down to Durban, did you give anybody a lift any part of the way? -- Yes, I still remember somewhere in Erasmia there was a certain girl. I cannot remember whether it was Almond's girl or Brian's girl who was on the way to Durban or Escourt, somewhere. I cannot remember where we left her.

We go with her.

So, you gave her a lift a certain part of the way? -- Yes, we gave her a lift. It seems as if it was already (10) well organised because that lady, she was having some baggage.

And you picked her up at Erasmia. -- Yes.

And dropped her along the way? -- Yes.

And then you proceeded to the C.R. Swart police station in Durban? -- Yes.

Now, once you got to Durban, what were you doing there?

What were you assigned to do? -- We stayed there - I mean, we did have a place to stay in the dog - they call it dog unit place. It is where we were sleeping.

Did you see any of the other Vlakplaas people there? (20)

-- Yes, I saw.

Mr Tshikalange, I think you should not fiddle with the cord.

-- I saw - I mean most of the people were there in fact.

Staying at that dog unit? -- Yes, they were staying there at that dog unit.

What were you assigned to do once you got to Durban? -- After that, I mean we were moving around with other people to a certain stage.

CHAIRMAN: If you say with other people, are those Askaris? -- Yes, those other Askaris and other policemen in fact. (30)

Until a/..

Cl.503

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TSHIKALANGE

Until a certain stage. Yes?

MR KUNY: When you say other policemen, policemen from the Durban area? -- From Vlakplaas also.

Yes, and then what happened at a certain stage? -- Then we were moving around till to a certain stage where I heard, I mean Joe and Almond, we were there around at the security parking, when they go to the office they come back, coming back and then Dirk also came back I think with Van Dyk or - then talking about a certain chap whom they have to - we must eliminate in fact.

(10)

Now, you mention Joe, when did Joe arrive there? -- Joe arrive - he arrive during the time. I cannot remember it is the following week or what, and then he did arrive of course. But he came independently of you and arrived in Durban? -- Yes, he arrived there. I could not remember with whom or maybe he came with Schutte or somebody. I cannot re- member with whom he came.

Now, Dirk and you say Van Dyk spoke about somebody having to be eliminated. -- Dirk, ja.

What did that mean? -- They said there is somebody - (20) I mean, when they were talking they were talking about some- body who have to be killed in fact.

Did they use the word kill or eliminate or cann't you remember?



-- You see, always they use to say in Afrikaans "wie ons moet hom wegvat".

VOORSITTER: Het hulle gesê wegvat? -- Ja, wegvat. So, it came to a point when they were discussing it is when Almond go and buy two Okapis. I have seen them.

MR KUNY: Two Okapi knives? -- Okapi knives.

Who instructed him to do that? -- He was given money (30)  
by Dirk/..

C1.544

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TSHIKALANGE

by Dirk to go and buy that things.

And did he come back with the knives? -- Ja, he came back with the knives.

You saw them? -- Ja, I saw them.

And what about the other knife that he had brought down from Pretoria? -- That other knife, it was also there in the car. It was always there in the car, in that bakkie.

Yes. -- And then there was also a photo of that chap who was supposed to be eliminated. He was wearing a check jacket, but I also asked in the meantime why can't he be shot be- (10) cause they wanted to use knives and said no. What he has said, Dirk, he said "Nee, oom Hoffie sê nee, hy moet gesteeek word, hy mag nie geskiet word nie".

Did he explain why? -- In order that he must look as a robber, this is what he has said.

And who was to do this? (Intervention)

CHAIRMAN: Could I just, don't robber sometimes shoot people? Do robbers only use knives? -- No, it is how he did explain. I do not know - I mean they also use knives sometimes, but mostly when robbers use knives, I do not think they may (20) kill you. I mean, there were some argument there, but now I left it like that because we were just receiving the instruc- tion and then just

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No, but could I just ask you a question, I am going to ask it in Afrikaans. If you do not understand say so. Hulle het vir julle gesê dat die man moet weggevat word. -- Ja.

Nou, wegvat beteken nie doodmaak nie. -- Wel, dit is hoe ons altyd gepraat het. Dit beteken - wegvat beteken jy moet hom klaar maak.

Maar waar vantevore het julle iemand weggevat om hom (30)

dood te maak/..

Cl.590

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TSHIKALANGE

dood te maak? Julle het mos nie vantevore iemand doodgemaak nie, het julle? -- No, he said - I mean, the way he used to talk, I mean to say "Daardie man moet weggevat word", he mean he must be eliminated of course that is what we know. I mean, we know, I mean when we always discuss together then it was like that.

But what was the prior occasion when you had such a discussion, of removing somebody? -- Pardon?

What was the earlier occasion when you discussed the taking away of somebody? -- The earlier? (10)

Yes, before this day. -- No, I only know the thing the day while he was being - while they killed him.

I do not think you understand my question. Listen carefully. They told you the man must be taken away. Is that right? You say yes? -- Yes.

To take someone away does not mean to kill him. There is no way that in Afrikaans the word "wegvat" can mean to kill somebody. -- I mean the way he talk and then we know it is like that.

No, but just a moment. In other words what you say (20) is when he explained what you had to do, you knew you had to kill the man. -- I mean as he - I mean, the way he told us, I mean as I also asked the question that why he cannot get shot and what and they said no, they do not want to let him to be shot. He must be killed by knives, he said.

In other words did they only use the word "wegvat" or did they also say "doodmaak"? -- I mean the time that they were saying in fact they were meaning "doodmaak".

No, but they did not use the word "doodmaak" according to you. -- Ja. (30)

Now, if/..

Cl.638

- 19 -

TSHIKALANGE

Now, if they did not use it, I have difficulty to understand how "wegvat" means doodmaak. Why didn't they simply say kill the man? Why did they say take him away? -- I mean according how they did explain that the man must not, he must not be shot, he must be killed by a knife.

In other words did they say kill the man? -- Ja, they did say that.

MR KUNY: When you were asked by the commissioner now about on what prior occasion you had to do something like this, had you prior to that being into Botswana before the Mxenge, (10) before this incident? -- Do you mean the incident - Mxenge is not the first one or Botswana is the first one?

Yes, yes. -- It is what I will never remember becauseu there are many things which we ...

You cannot remember which came first? -- I cannot remember which came the first, which come the second.

When you say there are many things, were there many occasions in which it was said that you had to kill? -- Yes.

Now, who was to carry out this job? Who were instructed to do this? -- It was me, Almond, Joe Mamasela, Brian (20) Ngqulunga.

Why was Brian Ngqulunga brought in to do this or to help? -- In fact Joe, Almond and me we never know that place and then we do not know the people of that area, so Brian was the only person who knows the place.

How did Brian know the place? -- He has been born there and grown up there.

And who did the driving that night? -- I cannot remember whether it is Brian or Almond because I was sitting on the back.

I cannot remember. (30)

Were you/..

Cl.688

- 20 -

TSHIKALANGE

Were you in this beidge bakkie? -- Yes, we were in that beidge bakkie.

Were you alone in the back? -- Yes, I was alone in the back.

Did you know who this person was who had to be killed? -- In fact I saw that photo, but I mean it was the first time to see that type of a person.

Did you know his name? -- No, I did not know his name.

Did you know his occupation? -- I remember that he is a lawyer or something like that. (10)

Did you know where he lived? -- No, I did not know where he lived.

Had you ever been - before that day, had you ever been on any surveillance of this person or his house or his office or his car? -- No, I was not.

So, this was the first time? -- I mean, I was only there the day while he was killed.

And was it during the day or at night? -- At night.

What was the wheather like? (Intervention)

CHAIRMAN: Excuse me, just - in other words you didnt see(20) his house before the day he was killed or what do you mean by saying I was only there on the day he was killed? What do you mean by that? -- I mean we go and turn - I do not know whe- ther it is his house because there were some houses there. I only remember when they said - because we did met another car, a Volkswagen Passat, a station-wagon, a red one, going out on the same road

that the certain this house is somewhere there, but I was never there.

Yes, but was that the day on which the deceased was killed?

-- Yes.

(30)

MR KUNY/..

C1.732

- 21 -

TSHIKALANGE

MR KUNY: Before that day you had never been to that place or to that house or to that road? -- No.

Had you been working all the time before that in Durban with Joe and Almond or with other people? -- Mostly of the time I was not moving with Almond and Joe. I was moving with other guys.

So this was the first day that you moved around with them?

-- Yes.

And you say you drove past some houses. -- Yes.

Was a house pointed out to you as his house or not? (10)

-- When we were down the steep because it was - the way they pointed they said this is his house there on top. We were down the steep and then we turned back when that car coming from that direction of the house where they were pointing. We turned back, they said - we turned to a certain road.

And did that car go past? -- Ja, that car passed.

And then what did you do? -- It is when they turned back again and used the same road, using the same road, they make a turn again, facing to the direction of where they said is his house. While we were on the way moving slowly then I saw (20) a white Audi coming behind us and then our bakkie started to "ruk" like this, you know.

Jerked? -- Ja, and then it go off and then Almond go out and opened the bonnet.

Now, was it on the road or was it at the side of the road?

-- On the road.

What sort of a road was this? -- It is a narrow road in fact but if ever - there is a car standing there, it had to go past.

Is it a tarred road or is it a sand road? Can you (30)

remember/..

C1.788

- 22 -

TSHIKALANGE

remember? -- I cannot remember, but it is a tarred road. I cannot remember so much.

So, the car stopped and a car came from behind? -- Yes.

Did you know whose car that was? -- No, I did not know.

What did you do? Did you stay in the bakkie or did you get out of the bakkie? -- I stayed in the bakkie until I saw Almond going to the same chap, talking about jumpers and battery.

When you say the same chap, do you mean that other car, the person who was driving the other car? -- Ja, the white(10) Audi behind us. He was talking about jumpers and battery and then after all Brian and Joe they go out to the same car. Not long they said I must drive the car and then I must follow them.

Which car did you have to drive? -- The same bakkie and then they go on that Audi, white Audi.

Did you see what happened between them and the person who was driving the Audi before they drove off? -- No, it was dark. I could not see so much what is happening then.

So, did you follow them? -- Ja, I did follow them. (20)

Did you know where you were going to? -- No, I did not know. Now I was just following them as long as I could see the lights going.

And for how far did you follow them? -- It was not so long but I cannot estimate how long is it.

And where did it go to? -- And then we get inside to a certain place where it was, it is a clear place, in fact it is a clear - it is like a ground in fact, it is clean in fact.

Clean? -- Yes, there was grasses on the left, on the right where his car was parked and then the bakkie was (30)

parked/..

parked and then there was grass but here on the left-hand it was clear.

Was it near to the main road or away from the main road? -- It was outside the main road.

So, you say it was off the main road. Did you travel along the main road to get to this place and then turn off? -- Ja, we turn off. We turned to the left.

Yes, and how far from the main road was this? -- It is a short distance in fact.

Was it veld or was it built up or what was there (10) where you stopped? -- When we stopped it was a clean ground, you know.

Were there houses nearby? -- I cannot know because it was dark in fact and it was my first time to be on that place.

CHAIRMAN: What does the witness mean with a main road?

MR KUNY: Well, perhaps I can clarify that. I actually put the question to you whether you travelled along a main road. I meant by that a tarred road. To get to that place, did you travel along a tarred road? -- I mean, we took the same way where we were standing going down. (20)

CHAIRMAN: Did you go in the same direction as you used to go, in going back to the police station, is that what you are saying? -- I mean we used the same road where that man had been hijacked, the same road.

MR KUNY: You travelled away from there on that road. -- Ja.

Is that what you call the main road? -- Ja, the same main road, I mean the road which we used.

Do you know where that road was leading to? -- No, I do not know.

You did not know that area at all? -- I did not know (30)

that area/..

that area that is what I am saying.

And then you branched off that road towards this place where you eventually stopped? -- Yes.

CHAIRMAN: Was that still on a road? In other words did your car stop on or next to a road? -- We did go out from the same road which we were using.

Into another road? -- Yes, it was a small road going to, leading to a certain place. It was like a ground in fact because I mean ...

Did your car stop on the road or did they stop .. (10)  
-- No, we stopped on that small ground.

Or off the road? -- Ja, off the road.

What kind of distance from the road did your car stop, did you stop the cars, more or less? -- Pardon?

How far from the road, the small road, did you stop the car? -- No, I cannot remember how long distance is it. C2

But is it a yard, a metre or .. -- No, it was a short distance but I cannot remember how long. I cannot imagine how long or what.

MR KUNY: When you say it was ground there, what do you (20)  
mean by that? -- I mean there were no grass. I mean it is only on the right side where the cars were being parked, there were grasses but here on the left place there was ground.

Ground, gravel? -- Ja, gravel I mean to say.

And the small road that you travelled on to get to that point, was that a gravel road or a tarred road? -- It was a gravel road.

And you say a small road? -- Yes, a small road, which shows that maybe it is not always used and so on, the way I saw it in the night in fact. (30)

Now, you/..

Now, you stopped your bakkie behind the Audi. -- Yes.



And when you stopped what did you see? -- When I stopped there those guys were busy fighting with this chap who - dragging him - I mean there was a hell of a fight in the meantime.

What did you do? -- And then they dragged him from the car, he go out - I mean, they were busy stabbing him in the meantime.

Could you see that? -- Ja, I could see.

When you say those chaps, who were doing that? -- It (10) was Joe and Almond and then Brian was holding a gun.

Yes? -- A pistol.

Was he doing anything apart from holding the pistol? -- No, he was only holding a pistol.

Yes. -- Then they were busy stabbing him, beating him, kicking all that, yes, and then ...

Was he on the ground or was he standing? -- No, he was standing. He was also fighting.

What did you do? -- He was also fighting and then it came to a point, when he come to my side I stabbed him on the (20) chest. I cannot remember whether it is left or right.

And what did you stab him with? -- Pardon?

What did you use to stab him? -- The same hunter knife which we got from Pretoria.

When did you come into possession of this knife? -- I got it the same night in fact.

From whom? -- From Almond.

So you stabbed him where? Just point to where? -- On the chest. I cannot remember whether it is left or right.

Was he still struggling at that stage? -- No, he was (30) still/..

C2.111

- 25 -

TSHIKALANGE

still fighting in fact and then from there, on stabbing him like that - seeing that he is fighting, I jumped aside.

After you stabbed him or before? -- No, after stabbing him,

then I could not take out the knife as the man was fighting and then I jumped and stand one side. Then he took out that knife and then he wanted to stab Almond, as he was also in front and then Joe was behind him, also stabbing in fact. So, when he go for Almond, he was having a wheel spanner. He beat him on the hand, then that knife fall down. When it fall down then he just continue beating him and (10) then Joe on the back behind him was also busy doing, beating him even in the head until he fall down ..

Beat him on the head with what? -- With a wheel spanner.

CHAIRMAN: Yes, but with what did Joe beat him?

MR KUNY: Sorry, with what did Almond beat him? -- He was beating him with a wheel spanner.

On the head? -- Yes.

And what did Joe do? -- He was stabbing him behind him.

CHAIRMAN: But I think you also said that Joe was beating him. -- Ja, I mean, he was also kicking in fact - kicking and (20) stabbing.

No, did Joe beat the deceased? -- Ja, he beat him.

With what did he beat him? -- He was beating him by hands and kicking him.

MR KUNY: And what was Brian doing at this time? -- He was standing, holding a pistol.

Did you at any stage see Brian participate in the assault directly? -- Before - when they drag him outside from the car - no, he was always handling a pistol. I never saw him beating.

(30)

How many/..

Cl.141

- 26 -

TSHIKALANGE

How many times did you stab the deceased? -- I stabbed one. I never stabbed again.

And then you lost possession of the knife and you never

regained it? -- Ja, I never regained it and then when Almond beat him then Almond got it and continued stabbing with it till when he fall down - well, seeing - when he was down Almond was on top of him. I do not know who was - I saw him holding a knife and then I just look one side in fact.

You point to your throat. -- Ja, ja.

Is that where you saw Almond holding the knife? -- (10)  
Ja, ja, on the throat and then I looked one side because I feel afraid as it was ..

Was this the first time that you had personally participated in any such act? -- Was?

This the first time that you had done such a thing? -- Yes, it was the first time.

And you say he fell down and Almond was stabbing at him and had the knife at his throat? -- Yes.

What happened then? -- Then I was standing, looking one side till - after they finished then they said let us go (20) and then they drove the car, the deceased's car and then I followed them with the bakkie.

Did you see how the deceased was dressed while he was being assaulted? -- Well, he was having a shirt - I can say it is white because it is during the night and then the way I saw it and then it is a little bit white.

A white shirt? -- Ja.

Did he have a jacket on? -- No, he did not have a jacket on at that time.

Was there a jacket anywhere to be found? -- Ja, I (30)  
only saw/..

Cl.171

- 27 -

TSHIKALANGE

only saw the jacket later on while we were in C.R. Swart. Joe was wearing it in fact.

Where did it come from, did you know? -- No, I never know

where the deceased - he said and then it is for the same chap in fact.

Was anything else taken off him when he was lying there? Did they remove anything from his body? -- Some of the things I cannot remember because they are the one who were driving on that car with that chap.

Well, for example did the deceased have a watch? Do (10) you know? -- No, I cannot remember, but you see, when they took those things I was not - I mean, I do not know. He did have a watch they way I heard in fact, because Joe said and then here is the watch of that man, there was a purse and a jacket.

A purse? -- Ja, a purse and a jacket.

When you say a purse, what do you mean? A wallet or a purse? -- A wallet.

Did you see it yourself? -- Ja, I saw it during the night but I cannot describe it and then how is it and so. (20)

Did you ever have it in your possession? -- No, I never had it in my possession.

Do you know whether it had anything in it like money or any other things? -- I do not know, I will be telling lies.

Then you drove back to the police station? -- Ja, to C.R. Swart.

Mr Chairman, I wonder whether this would be an appropriate stage. The witness has not been well and I think he may be under a little strain.

CHAIRMAN: Do you want more than until half past? Shall (30) we adjourn/..

C2.197

- 28 -

TSHIKALANGE

we adjourn until half past.

THE COMMISSION ADJOURNS. THE COMMISSION RESUMES.

DAVID TSHIKALANGE still under oath:

FURTHER EXAMINATION BY MR KUNY: Mr Tshikalange, before we

adjourned we were dealing with what happened after the deceased had been killed and you then went back to - you went off in two vehicles. -- Yes.

Who drove which vehicle? -- Sorry, before I continue, in fact I do not know - I really prefer to speak my own language because there are some of the things that sometimes - I (10) mean I am not so good in English in fact.

CHAIRMAN: Yes, but it is just not possible. What is your difficulty. Can you speak more easily in Afrikaans? -- I mean all those two languages - I am not so good, I mean, I am not so perfect.

No, we know that. I accept this. Just try your best and I will take it into account, if you do mind. Is there some- thing you want to explain where something went wrong in your earlier evidence? -- No, I mean according how you ask me some- times I do not understand you so much. (20)

No, but then you just say you do not understand. I fully realise what your problem is. I do not blame you, but I just would appreciate if you could assist us as far as possible.

Are you prepared to assist or not?

MR KUNY: The commissioner says are you prepared to assist as far as you can in giving evidence in English? -- Okay, let me continue. After we were finished with - I mean, we drove away with the deceased - I drove the bakkie again.

Yes, were you alone in the bakkie or was anyone with you?  
-- I cannot remember so much, I was alone. (30)

Did the/..

C3.40

- 29 -

TSHIKALANGE

Did the other three travel in the Audi? -- In the Audi.

Incidentally, was it still raining at that stage or had it stopped raining? -- When that thing took place, when that fight took place, the rain was stopped.

The rain was? -- Was stopped in the meantime, but when we

go back it was also, it started raining a little bit.

When you went back where? -- To C.R. Swart.

I see, so it started raining again? -- Yes.

Now, what happened at C.R. Swart? -- When we reached C.R. Swart, and then we park - I park the bakkie outside on the(10) parking, I mean next to the gate, getting inside the police station and then even the same car, that Audi, was also parked outside on the outside parking.

CHAIRMAN: You parked on the outside? -- Yes, it was parked outside.

MR KUNY: Is there a parking area there or do you mean outside in the street? -- There is a parking area outside.

And is that where the two .. -- Next to the gate.

.. vehicles were parked? -- Yes.

CHAIRMAN: But it is on the outside on the building but it(20) is inside the area of the police station. -- No, it is outside the yard of the police station.

Oh, on the outside of the police yard. -- Ja, on the front gate, the main gate, next to the main gate, there is a parking there.

Yes? -- Then from there those two guys, Brian, Joe - three, they were three of them, they go and report then later ..

MR KUNY: Did you go with them to report? -- No, no.

Did you remain at the vehicle or what did you do? -- (30)

Ja/..

C3.63

- 30 -

TSHIKALANGE

Ja, I remained at the vehicle.

CHAIRMAN: Is that now Brian, Joe and Almond? -- Yes.

Did they go to report? -- Yes.

Yes? -- Coming back I saw - he was a constable - Braam du Preez and Paul van Dyk and Dirk, Captain Dirk Coetzee. From there they were busy changing the number plate of the car, of the Audi,

the white Audi. Then he said, Captain Dirk said, and then he want our clothes which we were wearing, we must go and change them because he want to take them with him. Then we go and I go inside in C.R. Swart where we were staying.(10) Then we changed the clothes, we gave him the clothes ...

MR KUNY: What did he do with the clothes? -- No, he took them in his boot. He put them in his boot. He later gave us after a month or two.

He gave them back to you? -- Yes.

Later? -- Yes, and then Braam drove the car away.

CHAIRMAN: Who drove the car away? -- Braam du Preez.

MR KUNY: Drove which car away? -- The Audi away.

Was he alone or was he with anybody when he drove it away? -- No, he was alone and then Captain Dirk Coetzee (20) told us that we must move, we must go back to Pretoria.

Did you see the Audi again after that? -- I never saw - I saw the Audi later while we were - I was on Piet Retief there, moving around there. I mean I saw the one look like the one in fact, not really the one which was being burned there.

Yes, that was much later, was it? -- Yes.

But that night you never saw the Audi again? -- No, I never saw the Audi again.

What did you do with the knives that you had used? -- Dirk took all those three knives with him. (30)

And your/..

C3.94

- 31 -

TSHIKALANGE

And your clothing? -- And our clothes.

Did your clothing have any blood on it? -- My clothes did not have blood, it did not have blood.

Did you then return to Pretoria? -- Ja, we returned to Pretoria.

Who returned to Pretoria and how did you go back? -- We go again with the same bakkie to Pretoria. It was me, Almond, Joe, and I mean me. We were four. Brian Ngqulunga.

So the four of you went back in the bakkie? -- Yes, yes.

When did you leave for Pretoria? -- I think we left (10) the same night if I am not mistaken.

Did you travel straight back to Pretoria? -- Yes, straight to Pretoria.

Can you remember when you arrived at Vlakplaas? -- If I could remember it was in the morning somewhere but I am not - in the morning. Which time and so on I cannot remember.

I just want to ask you about Almond Nofemela. When did you first meet him? -- Almond Nofemela I met him the first time when I reached Vlakplaas.

Was he there all the time that you were there? -- He (20) was there all the time while I was there.

Did you do lots of work with him? -- Yes, we did move a lot with him.

In what parts? -- Mostly Swaziland, Lesotho, Botswana, in all Transvaal areas.

After this incident in Durban and after you had returned, did you stay on at Vlakplaas? -- Yes, I was staying always in Vlakplaas.

Did you ever go to police college? -- Yes, I go to police college. Or it is '81 December, somewhere there or early (30)

'82/..

C3.126

- 32 -

TSHIKALANGE

'82.

Do you know that Dirk Coetzee left Vlakplaas at the end of 1981? -- '81, yes.

Do you know where he went to? -- He went to many places. He was in Pretoria drug squad, Pretoria West, somewhere there.

Now, up until then you had followed him wherever he had gone



and you had worked for him in various places. Why did you not continue to work for Dirk Coetzee when he left Vlak- plaas? -- In fact when I came back to college, as I was working at - I mean I was being - how can I put it, I was (10) working in Vlakplaas in fact. When they transfer him I never go with him and then after police college I came back again to Vlakplaas.

Now, did you receive any sort of additional payment or bonus in respect of what you did in Durban? -- Yes, we did receive one R1 000 each. Although, I mean, it was not being promised before that we are going to receive so much and we are going to receive any amount of money.

From whom did you receive it? -- I received it from Dirk.

How was it given to you, in what form? -- It was in a(20) brown envelope.

Yes, and was it in notes? -- Ja, it was notes.

You say we received, did you all receive? -- Ja, I mean when they - we received that money in a different time because I heard from Almond that there is your money there at Dirk and then Joe had taken his already.

Yes? -- And then I got there and asked - I go to Dirk and then he shows me that there is the money, it is coming from the office and then they have channelled it through South-West and so what. (30)

Do you/..

C3.157

- 33 -

TSHIKALANGE

Do you know if Brian received R1 000? -- No, he never received.

Why not? -- It come to a point that they said no, Brian did not take part on the ..

So, it was just you and Almond and Joe? -- Yes.

What did you do with your R1 000? -- With my R1 000, I left

it with Dirk until '82, late '82, then I took that money, I deposited a car in Valhalla.

Were you happy to leave the money with Dirk Coetzee to keep for you? -- Ja, I let him keep it for me because I (10) did not want to use it in fact.

Now, you say that you went to police college and how long were you there? -- I was there for three months. If I could remember I was back on 2 April.

And what rank did you then have? -- I was a constable.

And were you then allowed to carry a weapon? -- I was allowed to carry a weapon.

What sort of weapon? -- I was carrying 323 or sometimes 9 mm. It depends.

CHAIRMAN: Pistols? -- Pistol, yes. (20)

MR KUNY: And what work did you continue to do after you returned and were of the rank of constable? -- Well, when I returned back we were still continuing, going to Swaziland. There were some other people whom we were looking after them, either if ever we could get them, if either we could kidnap them or maybe shot them, but then it was not successful in fact.

Are you now talking about in Swaziland? -- In Swaziland, mostly in Swaziland.

Did you go to any other of the neighbouring (30)  
countries/..

C3.186

- 34 -

TSHIKALANGE

countries? -- Yes.

Which? -- Lesotho also.

Did you ever go back to Botswana again? -- No, I never go back to Botswana. I was only next to the border all the time, not inside.

Now, did you ever see anybody in the squad from Vlakplaas using a gun with a silencer? -- Yes, I mean when we go to Botswana

there were guns. I mean HMC and a 9 mm. I cannot remember whether it is a Tokarev or Makarov which were fitted by silencer when we go there, when they shot at them. (10)

On any other occasion, did you see silencers being used?

-- I only saw them that time while we go to Botswana.

Did you use to receive extra money for what is called S&T when you went out on a job somewhere? -- Yes, all the time when we were out, when we come back we have got a leave for one week or four days or five days, it depends, and then we have to go back.

I mean, when we go out again then we receive that money of S&T.

What was that money for? -- For staying outside while we were working outside and then .. (20)

And who used to give you that money? -- Well, it was depending because when we go out we always go on group. It depends who is their commander on that group and then the commander on that group, he is the one who used to give you your S&T.

Did you ever have to sign any forms for that purpose? -- I think we did. I cannot remember signing forms.

Well, is it possible that you signed forms when you received or were going to receive your money? -- No, I will be telling lies.

I cannot remember signing forms.

Did/..

C3.222

- 35 -

TSHIKALANGE

Did you have anything to do with forms and paper and paper work at Vlakplaas? -- No, we did not.

I am talking about you personally. -- Personally we did not work with statements or - we never worked with documents in fact.

Did you use to keep a note-book, a pocket-book, of what you were doing and where you went? -- No, we never - the only note-book is either the one which is in the car for petrol, when you pour petrol to a certain station like that and then it is the only book that we ... (10)

Now, I want to ask you about that. Did every police car have its own book? -- Ja, petrol book, yes, rather than those - there were also other private cars which did not have petrol book - it is either you must receive the money that you have to pour petrol.

But if you were using a police car and you had to put petrol in, then what entry did you have to make in the petrol book? -- We used to write which station did you pour petrol, how many litre did you pour there petrol on.

And where was that book kept? -- It always stay in (20) the same vehicle which you are driving and if you left that vehicle then you left it like that.

Did the book also show the number of kilometres that you had driven? Can you remember that? -- Yes, it did show kilo- metres.

And did it have dates? Did you have to show the date when you had put in petrol? -- Ja, it shows the date and how many litres did you pour, which station and your signature.

That is all.

And the number of kilometres that you had driven. -- (30)

Before you/..

C3.250

- 36 -

TSHIKALANGE

Before you pour I think you have to read your kilometres and then you have to write it down.

Now you served as a driver for some time while you were on Vlakplaas. -- Yes, I used to drive.

Who did you use to drive for? -- I was - I also used to drive Captain Gene de Kock.

Yes? You say also, were there other people for whom you drove? -- I mean sometimes they used to give me a car and then driving Askaris and so on.

Did you have a driving licence? -- Yes, I have got a (10) driving licence.

When had you received your licence? -- I think it is '81.

When you were at Vlakplaas? -- Yes.

Now, we have shown you, when we were consulting with you a form which is called a "werkskaart", do you remember that? Do remember I showed you a "werkskaart"? -- Yes. CHAIRMAN:

Which exhibit is that?

MR KUNY: It is B39, Mr Chairman. Do you recognise that document? -- No, I do not know it. I have never worked with such type of documents. (20)

Do you remember when you were on Vlakplaas seeing documents like that? -- I cannot remember.

Does that document have your signature anywhere on it? -- There is a type of signature, but anyhow it looks like my signature.

I notice that is my - or it is mine, you know. I cannot say it is not mine or mine, but ...

Which one are you pointing to? -- The first one on the first line.

The first one on the first line on the right-hand side? -- Ja, on the right-hand side. (30)

Is that/..

C3.279

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TSHIKALANGE

Is that the only one that looks like it could be your signature? -- Ja, that is the only one.

Do you know anything at all about how this document has been compiled, how it has been drawn up or by whom or when or anything like that? -- What I could say, we never work with any document ourself. We never worked with any document.

Did you know someone by the name of Geoff Bosego? -- Yes, I know him.

Who was he? -- He was an Askari.

Was he on the farm while you were there? -- Ja, he (10) was.

All the time you were there? -- All the time he was there

while I was there.

Did you ever go on jobs with him? -- Ja, we used to go out with him.

What sort of work did you do with Geoff Bosego? -- Now moving around, doing some surveillance and so on.

In the Republic? -- In the Republic.

Anywhere outside the Republic? -- Outside he never go with me. (20)

So you never went on any work outside the Republic with Geoff Bosego? -- With Geoff, no.

Did he ever work with Almond, Geoff Bosego? -- Yes, of course.

He was always working with Geoff. I mean, after Joe left, when I come back from the college always Geoff and Almond were those people who were working sometimes, being two, going out somewhere else for some operation as they said in fact, out, they were being two.

Was he a friend of yours, Geoff Bosego, or just somebody that you knew from Vlakplaas? -- Well, I mean we were all (30)

friends/..

C3.310

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TSHIKALANGE

friends.

Apart from your time at the police college, did you receive any training of any kind in the use of fire-arms or weapons at Vlakplaas? -- No, at Vlakplaas I never had training of any arms.

It was only when people - I mean people - there were guns there.

Did anybody use to show you how to use those guns? -- I mean they used to shoot with them there in the farm.

Was there a place to shoot on the farm? -- No, it was just an open space. (10)

CHAIRMAN: Is it a shooting range where they exercise? -- Ja, they used to shoot around or using - to shoot this tarentaal and so on.

MR KUNY: Did you use to shoot there too? -- Of course I used to ask to shoot some times.

Now, you were at Vlakplaas until 1984. -- Yes.

And then you left and you went to another base or police station. -- Yes.

Where was that? -- It was Levubu.

Where is Levubu? (20)

CHAIRMAN: In which year was that? '84? -- I cannot remember whether it is '84 or '85. Somewhere there.

MR KUNY: Where is Levubu? -- It is on the area of Louis Trichardt.

Is that near your home? -- Yes, it is near my home.

Now, before you went to Levubu was there some problem which you experienced at Vlakplaas? -- Yes, I did have a problem. In fact I was supposed not to go to Levubu.

Where were you supposed to go? -- It came to a point that it was on Monday, people were going out, so as I know that(30)

I am a driver/..

C3.345

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TSHIKALANGE

I am driver of Captain De Kock then I say morning and then he read out the names of the people who are going out and then when I say morning he never answer me and then after that they left the place. When they left the place not long there came Warrant Officer Strydom. Now, he was just shouting me according the ticket and then the speed trap ticket "You people are always getting speed trap, I have to go and fix them" and all that.

He is talking about speed tickets? -- Yes, and then from there he said - when he is shouting like that, well, I ask(10) him whether have you got a ticket of me, he said "No, what, what, what" and then - he was shouting in fact. From there well, I became angry also and then I shout back in fact. From there he opened the bar, he said "nee, come, have a beer", what, what and so on. I said "No, if I want beer, I would buy for myself" then

he said "No, let us forget about these things" and then he tried to convince me that no, it is because - he is angry because of Almond.

Why because of Almond? -- Almond and then he used to come back with some speed trap ticket and so which he has to (20) go - he must go and fix them. So, from there he said no, I must forgive him and then - it is only because he was angry. I said no well, okay, then I left him like that. The following day, on Monday, he is the one who 'phoned me to the farm and said I have got a transfer to Oshakati.

Oshakati was up in Ovamboland? -- Yes.

In Namibia? -- Ja, in Namibia. There I said to him, I asked him permanent, he said yes. I said then what kind of a job am I going to do there, he said security. I said how do you think I can work in security in Oshakati whereas I do (30)

not understand/..

C3.386

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TSHIKALANGE

no understand the language of those people. So, he said no, you must come, have you got a car there, then I said okay, I have got my own bakkie and then I go to the office and then they - when I came there he organised - he said nee, we want to organise a ticket and everything for you because you will be flying on a military plane, so you must have camouflages, where is your camouflages, I said they are at home because I was not using them.

So, after that he go to a certain office, I cannot remember who is that chap who used to organise some tickets and everything, but I said now, saying like that I(10) can see you, baas, you are going to kill me. I mean we used to laugh like that in fact, you are going to kille me, how can I go to Oshakati, for what good reason? So quickly and then - he said I am going on Friday, it is Tuesday, on Friday. Then how can I go there whereas my parents does not know nothing about it and then how could this thing come



so quickly. He said no, what, what and then, I told - I said nee, look, man, really you are going to kill me. I mean those other people they said now, you are going to be arrested now you would be in jail. I said it is better that I could be in jail. (20) Here in South Africa instead of that side, but then they organised that ticket and then when I took that ticket I go away. When I go away - because I was having a problem that because in police force they said that you comply and complain later by writing. That is what they were telling me also, that you can write while you are there in Oshakati, that he does not like the place and all that jazz, you see. So, I did have a problem of that thing, what can I do. It is only that I must just go, but then I took that ticket, I go to Dirk's house. I said hey, look, my friend, those boers of yours (30)

they are/..

C3.426

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TSHIKALANGE

they are sending me Oshakati and then I do not know, it seems as they are going to kill me.

Well, did Dirk then assist you to write a letter? -- Then he assist - no, yes. He assisted me to write a letter.

And as a result of this? -- We wrote down, look, I know you have been working with you, I know you are going, what you are going to do with me and then you are going to kill me of course.

I refused to go there, then we "plakked" the ticket and then I sent it to the office. I gave it to Adjutant Strydom, then he was fighting again, then, you know why (10) did you - I said no, I told you even before I wanted to see the General Johan of Colonel Schoon to discuss about this thing then you said they are busy and they have got no time to talk with me, so I mean, you were waiting for this. Then I gave them that thing and then they took it there and then they said nee, I must go and wait at the farm, I must not move around.

Well, as a result of all this, were you then sent to Levubu instead of to Oshakati? -- Yes.

And in what branch of the police force were you in (20) Levubu? -- I was in uniform branch.

Uniform? -- Yes.

An ordinary policeman in uniform branch. -- Yes.

For how long were you there? -- I cannot remember how long but I later wrote an application for leave then that application for leave did not come back. I wrote another one, application for leave. Instead of the second one that first one come out in the middle of the month, they said now, you can go - the station commander there he said now you can go, only for 20 days. They cannot give me much and so on. (30)

Well, I will/..

C3.460

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TSHIKALANGE

Well, I will come to that in a moment, just before we deal with that, before your problem that you had with Oshakati, had you had a problem which caused them to be angry with you and .. -- Yesk, there was a problem again while we were in - what do you call that place? Richards Bay. We were based in Richards Bay.

I just want to know did the problem have to do with a motor-car? -- Yes, it is what I am trying to come to now. We were based on Richards Bay. They came to a stage that I must go and collect Brian and Steven Mbanda, they were in Ska- (10) weni. So, when I go there then we - I find people were drinking of course and then I did use to drink even myself, then we drink, we drink, after all we move and then I let Brian to drive and then I was sleeping in the meantime. So, the car knock against the trees somewhere else.

It had an accident? -- Yes. So - I was sleeping in fact. When I wake up I find those people are not there, they have run away and then from there I started to think, I mean thinking about what

will happen and then what - I mean knowing what happened with some other people and then I run away (20) Swaziland.

Yes, and what happened to you in Swaziland? -- In Swazi-land I get arrested in a certain police station in Manzini, then they - I think the following day they brought me out to Oshoek to our security.

To whom were you handed? -- I was handed to Kaptein Gene de Kock and Adjudant Van Dyk was also there.

What happened to you as a result of that? -- Well, they locked me in the cell there. I stayed there in the cell. They gave - well, they did not want to talk so much with (30)

me. It/..

C3.511

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TSHIKALANGE

me. It is then later they took me back to Pretoria and then I heard that Colonel Schoon was also there and Almond was also there, then he said - and then they wanted to finish up with me.

What do you mean finish up with you? -- I mean they wanted to kill me.

CHAIRMAN: Who wanted to kill you? -- I mean Almond - what he had - Almond told me, he said Captain Gene, Paul van Dyk, Colonel Schoon, they wanted to kill me when I was brought back.

(10)

MR KUNY: So what happened to you? -- So, they brought me back to Vlakplaas. They said I am going to get a punishment for six months, I must not go out from Vlakplaas, but I did not take long.

Captain Gene de Kock took me again, then he moved with me again.

After how long? -- I think it is after two months.

So you were punished for two months? -- Ja, they said - colonel Schoon, he told me that I must - I have to stay there for six months, but it happened that I did not stay there for that six months.

(20)

And then the Oshakati incident was after that? -- After,

yes, after this.

And now you went to Levubu and eventually did you leave the police force? -- Yes, what happened, I was out. I was in Pretoria during that leave. I get - I mean I pass some other people, I mean I pass the other people by the car and then I get to a certain house. Those whites they come to that house, they arrested me.

For what? -- For drunken driving. The same chap, the chap whom I was being with him, he was holding me a bottle of (30) beer/..

C3.551

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TSHIKALANGE

beer.

So you were arrested for drunken driving, were you charged? -- Yes, I was charged in Skeerpoort.

Were you convicted? -- Then they - it was Friday or Saturday and then on Monday I go out. When I go out again one day while I was travelling, I was sleeping under the tree, somewhere in Senekal, in a resting place. Another person also come, they arrested me there.

For what? -- They said you are drunk, then they took me to the police station, looking for a lot of things in my (10) car, punching the wheels and so on. Then while I was there that chap - they said the chap who arrested me is no longer there and he will back after a year or something, so it is better that you must said yes and then, in order that we will just give you a small punishment. I was there for two months. CHAIRMAN: Were you convicted for drunken driving? -- Yes.

You say yes? -- Yes, I say yes.

Once or twice? -- Twice.

MR KUNY: And arising out of this were you discharged from the police force? -- While I was there, I mean we 'phoned from(20) the same police station, they said then they have opened a docket already for me in Levubu

CHAIRMAN: For what? -- For absent from duty without leave.

Without leave? - Ja.

MR KUNY: This is while you were in custody in Senekal? -- Yes.

So, I go back again. On my way - Pretoria. I stayed a lot on Pretoria, I stayed a lot in Pietersburg till I go to Louis Trichardt to attend that case of absence - being absent from duty without leave. So, I came there and then - I mean I appear in front of the court. Well, we were in the court (30)

in fact/..

C3.596

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TSHIKALANGE

in fact for being absent from duty, because I did 'phone them, I did have the papers and everything. After they said no, listen, what we can do, we do not want to make your name bad and so on, so you have to buy a discharge.

And is that what you did? -- Yes, I did. With that R50 I bought the discharge.

In what year was that? -- It was '85.

And after that you had other jobs. -- Yes.

You did other work. -- Yes.

Now, after leaving Vlakplaas, did you ever see Almond(10) Nofemela again? -- I saw him in 1986 when I heard - I mean, I was just reading on a newspaper being at the job that he is under arrest and so on, in Brits.

Under arrest? -- Yes.

So did you go to see him? -- Ja, I did go and see him.

Where did you see him? -- I found him at a certain place called Hekpoort at the garage where his young brother was working. I find him there.

Was that where he lived? -- Yes.

Was he on bail at the time? -- Yes, he was on bail (20) that time.

And you saw him on that occasion only. -- Ja, I saw him on

that occasion only.

Did you ever see him again after that? -- No.

Now, did you ever - did you continue to have contact with Dirk Coetzee? -- Well, Dirk Coetzee, all the time, I mean, where I was working he was just like a friend. When I am there I used to pick the 'phone and 'phone him, hallo, how is it and so on. I did speak to him.

Now, in 1989, in October, did you hear something (30)  
about/..

C3.638

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TSHIKALANGE

about a statement that Almond Nofemala had made? -- Yes, I did hear.

What did you hear and where did you hear it? -- I heard it in a newspaper, even in a radio too.

In the radio and the newspaper? -- Yes.

And that was about the killing of Mr Griffiths Mxenge. -- Yes.

What was your response to that? -- Well, I thought, I mean when looking at how the thing is, I 'phoned Dirk I said, no well, hey ... (10)

'Phone who? -- I did 'phone Dirk from home, I said did you hear the news, then he said no. I said no well, it is about Almond and what, what and then just listen. He said no, okay I will open the TV now for eight o'clock news and then I will listen, then I will hear, after that and then I will 'phone you back.

And did he? -- Yes, he did 'phone and said, ja, Jesus, and then things are like this and this, but I said on our radio then they used to talk straight names and everything.

So, after that - well, we left it like that. (20)

What was the next thing that hapened as far as you are concerned? -- As far as I am concerned, I mean as those things

were giving me a lot of problem of course, even at Vlakplaas I started to drink and so on, I was worried about what had happened of course, so it came to a point that no, really - I mean a person has to make another means and go and confess so someone else will see what to do in fact. I mean, I was always having a guilty conscience of that thing.

So what did you decide to do? -- It is where I decided to leave the country. (30)

Now, before/..

C3.683

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TSHIKALANGE

Now, before you left the country did a certain reporter contact you? -- Yes, he came to me while I was on work.

Do you remember his name? -- Yes, Jacques Pauw or something like that.

What did he want from you? -- In fact he was looking, he wanted to know what happened and what, what, and I was not prepared to tell him because I do not know whether he is the person who wanted me to get arrested and so - arrested, you know. I was on the way to home, Venda. Well, he forced to talk, what do you know, what do you know, but now I just (10) gave him this and this little bit of things, but trying to avoid him in fact, that I must not - because I had never trust him in fact.

And what happened? Did you talk to him? -- Yes, I did talk to him.

In what circumstances? -- He was having a tape recorder, the small tape recorder, then I talked to him. I mean, we left Kayalami because I was working in Kayalami.

Well, just explain to the commissioner how it came about that you travelled with Mr Jacques Pauw. -- Jacques Pauw, (20) he did know that I am going home.

Home being Venda? -- Yes, so in fact I was supposed to go with my brother home. So Jacques Pauw he forced me that I must

remain, that he will take me to Venda. I said no, man, my brother is going to Venda straight, there is no use that I must go with you, then he forced me because he wanted to know ...

How did he force you? You use the word force. I am not sure that you know what that means. How did he force you? -- He said no, man, I will take you straight to Vendaland, I (30) have got/..  
C3.728 - 48 - TSHIKALANGE

have got a friend whom I am going to see him in Vendaland, at Venda university, then I ...

CHAIRMAN: I think the witness simply means pressurised.

MR KUNY: Well, I just do not want there to be any misunderstanding about that.

CHAIRMAN: Yes, that is clear.

MR KUNY: Yes. -- After all then I just decided okay, let me wait for him. I wait for him, he come and pick me at ten o'clock. He go with me to Potchefstroom where ...

Potchefstroom? -- Ja, Potchefstroom, then he said ...(10)

Are you sure Potchefstroom, not Potgietersrus? -- Ja, it is Potgietersrus or - I cannot, it is Potchefstroom or Potgietersrus, somewhere there.

CHAIRMAN: It is not PPrus? I mean, Potchefstroom is not on the way to Venda, PPrus is. -- Ja, PPrus. It might be PPrus, I cannot remember the place so much.

MR KUNY: Anyway, so what happened while you were driving? -- Then he was asking me how did you work with Dirk and then how were you working in Vlakplaas and so on.

Did he have a tape recorder? -- Ja, he did have a (20) tape recorder.

Were you prepared to talk openly to him? -- No, I was not prepared to talk openly.

Why not? -- Why not? Because I did not trust him. I mean, whenever I am talking something to him, that thing is leading me



to arrest. I did not trust him.

Did you know that he was from a newspaper? -- I only know that he said, I did not know that he is from a newspaper. I know he was a friend of Dirk.

He asked you about the killing of Mr Mxenge. -- Yes, (30)

he did/..

C3.773

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TSHIKALANGE

he did ask me.

And you spoke to him about that? -- Ja, I spoke to him.

You know that we have a transcript of that tape-recording? -- Yes, but some of the things - I mean I was trying to divert myself, but then it is still the same.

What I want to ask you about that is that you spoke to him about that killing and you told him that you were there. -- Yes, I was there.

You told him that you were there, but you told him that you had not taken part in it. -- Ja, I said like that be-(10) cause I mean there is no way out of saying that really I had done this. You do not know the person.

So, you were not prepared to admit to him? -- I was not prepared to talk to him in fact.

Well, you spoke to him, but you were not prepared to admit to him. -- Yes.

And you told him all sorts of other things about Vlak- plaas and Almond and so on, and Dirk. -- Yes.

And then he let you off at a certain point when you got to Venda. -- Yes. (20)

And did you ever see him again? -- I think I saw him where - in Harare, somewhere there.

But not in South Africa? -- Ja, not in South Africa.

Did you ever read anything that was written arising from this interview, in any newspaper? -- I can say ja, there is some of

the newspaper which I did use to see.

Do you remember an article that was written by Jacques Pauw about this interview? -- No, I do not remember. Mostly of this newspaper it is Afrikaans and so. I mean - and then we did not use to get that newspaper. (30)

You in fact/..

C4.14

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TSHIKALANGE

You in fact had your interview with him Afrikaans? -- Yes, I mean those newspapers, we did not use to get them while I was outside.

How long after this interview did you leave the country? -- You were driven up to PPrus, you then went to Venda, how soon after that did you leave South Africa? -- I stayed at home till - because I left on Tuesday from Pretoria, from Kayalami.

That is when you went with Jacques Pauw. -- Yes.

On the Tuesday. -- And then I left home on Thursday, (10) late night. I cannot remember at what time.

To go out of the country? -- Out of the country.

And you have been out of the country ever since then? -- Ever since then.

Mr Tshikalange, I just want to go back to one thing, when you - you said that when you ran away to Swaziland after this car accident, you were afraid of what might happen to you. -- Of course.

What induced that fear? What were you afraid of? -- I mean, it is either they could kill me, they can kill me. (20) It is what I always thought, maybe they can kill me or they can do anything to me.

What made you think that? -- I mean I know there are some other people who used to be beaten and then sometimes who used to disappear like ...

You are talking about at Vlakplaas? -- Ja, I mean who disappear

and then you do not know where did they go.

And so this made you afraid? -- Yes.

Were you, as the person to whom that car had been allocated, allowed to let other people drive it? -- Pardon? (30)

Were you/..

C4.41

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TSHIKALANGE

Were you allowed to let other people drive a car when it had been given to you to drive? -- Well, it - I mean, if the car is given to me then I have to drive it, not that I must give some - but not that if ever someone is driving then they become cross or something like that.

Well, who would be responsible for that car? -- I mean I was responsible for that car.

Do you ever recall seeing a red and white kombi at Vlak- plaas? -- Ja, a red and white kombi, automatic. I had seen it at Vlakplaas.

(10)

Can you remember when it was there? -- If I am not mistaken it might be '81.

Can you remember who brought it there? -- I cannot remember who brought it, but I saw it there and then when they were taking out some booster, a booster and a radio and I can remember Almond did drive it out when it go out, away.

How long was it Vlakplaas? -- I think it was only a night and then the following day, although I cannot remember nicely. I think it was a night and then the following day or after two days. I cannot remember. (20)

Did you ever see it again after that? -- Never.

Do you know what happened to it? -- I just heard and then they sold it in fact.

Do you remember anything about the number-plate? Have you any recollection of what sort of number-plate it had on? -- No, I cannot remember, but I know it was a Cape number if I am not

mistaken.

A Cape number? -- Hm.

It was not a Transvaal number? -- No, it was not a Transvaal number. (30)

Mr Commissioner/..

C4.69

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TSHIKALANGE

Mr Commissioner, I may have reached the end of his evidence-in-chief, but would it be an appropriate stage to adjourn?

THE COMMISSION ADJOURNS UNTIL 14h00.    THE COMMISSION RESUMES.

C5 DAVID TSHIKALANGE still under oath:

FURTHER EXAMINATION BY MR KUNY: Mr Chairman, there are a few more issues with which we want to deal. Mr Tshikalange, I want to go back to Joe Mamasela. Do you know where he stay? -- In the meantime while - he was staying at Soweto, so there is a certain stage where there was a problem. I do not (10) know, whether he said people wanted to kill him and all that jazz, so he came to Vlakplaas. He was staying in Vlak- plaas with his wife and the child.

In what sort of accommodation? -- In a certain room there. There were some rooms in - there was a house, a big house and then there was some bungalows also. He was staying in the house with his wife and child.

Can you remember for how long he stayed there? -- I cannot remember for how long but he stayed for a long time.

Can you remember what year or years that was? -- It (20) was '81.

While Dirk Coetzee was there? -- Ja, he was there.

Did you ever have a passport? -- Yes, I did have a really passport and a false name passport.

A real one and a false one. Why did you have a false passport? -- Mostly if ever we go for a certain mission like Swaziland and something, so we always used those false pass- ports.

Who obtained the false passport for you? -- The commander

is the one who make appointment that we must go and get (30)

them/..

C5.22

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TSHIKALANGE

them.

And did it have your name or a false name on it? -- There was one with a really name and then one with a false name.

Can you remember the false name? -- Yes, it was Alphius Mpapudi.

And what happened to that passport? -- That passport, I was having it.

Do you know where it is or what has happened to it? -- I have given it to somebody.

And the real passport? -- The real passport, I think (10) I left it at home.

Now, in those days, this is in 1981, did you have pass-ports or travel documents? -- I am sorry for saying that. It was - we always used travel documents.

Is that what you called the passport? -- The passport. That is what I call passport. In fact it is travel documents.

Do you know whether Almond had a false passport or pass-ports? -- Yes, he did have.

Did the same apply to all of you? -- Joe did have one and then Almond did have one and myself I did have one. (20)

Did you know of a man by the name of Pillay, Joe Pillay? -- Yes, Joe Pillay was a man who was being kidnapped from Swaziland.

I was his guard somewhere there in a military place. I do not know what they call it. Water Tower or Tower or what. I do not remember the name of ...

Who kidnapped him from Swaziland? -- What I learned it was, there was some other Portuguese guys, Amaro and George and Adriano Mbambo and Petrus Kwadi, he was also included.

Where were they from? -- They are also - those others, Adriano

Mbambo and George and Amaro were people from (30)

Mozambique/..

C5.51

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TSHIKALANGE

Mozambique who were also staying in Vlakplaas.

So he was kidnapped by people from Vlakplaas? -- Yes.

What happened to him when he was brought back to the Republic?

-- I only saw him while he was there in the military place. I was his guard and then they were busy beating him and interrogating him there.

How were they beating him? -- He was being beaten and then he was being - there was something that they tied it ...

Blindfold? -- Yes, blindfold.

Yes? -- He was there. Coetzee was also there. (10)

Which Coetzee? -- Dirk Coetzee. There were also some other military people there.

What hear was this, can you remember? -- It is '81.

And what happened to him? -- It came to a point that those people who had their - because Almond did leave them. Almond was also included in that kidnapping, so he and Geoff they came out.

Those people remained - for of them remained inside Swaziland.

They were being arrested, so it happened that they organise bail of R800 each, that they must come out. Then they came out, so he - there was a problem. I mean (20)

there were too much of rumours that South African police have done this and this and this and so on. It happened that they have to take Pillay back. It was me and Schutte who took him to Lothair.

Lothair is near the border of Swaziland? -- Yes, we left him there. We do not know how did they put him inside there.

Who did you hand him to over there? -- I do not know those whites who ...

And in what condition was he at that stage? -- He was red, being beaten. (30)

How long was he under your guard? -- I stayed with him for two days until he become all right and that is when they took him back.

The two days that you guarded him, was that immediately after he came from Swaziland or had he been somewhere else first and then did you guard him? -- You see, when he come out from Swaziland I did not see him. I see him later on while I, I think after - I do not know how long was he being kept there.

And while you were guarding him, was he being in- (10)  
terrogated or was he recovering from the interrogation and the assault? -- They were just asking him there and there and there and so on.

CROSS-EXAMINATION BY MR MARITZ: Mr Tshikalange, Dirk Coetzee, does he speak any black language? -- No, only Afrikaans and English.

Now, you must have got to know him in the early part of 1970.  
-- Pardon?

When did you get to know Dirk Coetzee? -- If I am not mistaken it is round '73. (20)

In which standard were you in school then or which form?  
-- If I am not mistaken I think I was doing standard 4 or 5.  
I cannot remember.

And what language did you speak to Dirk Coetzee when you started working for him? -- Oh well, of course I used to try to speak Afrikaans, not that I am perfect in Afrikaans.

From that time on until 1981 you followed Dirk Coetzee around as he was transferred from one post to the other? -- Well, the fact remains that when I was there on school holi- day I used to go and visit him. (30)

So when/..

So, when did you join and where did you join Dirk Coetzee on a permanent basis? -- It is on Pretoria in 1981 when I joined the police.

So you visited Dirk Coetzee at Oshoek only in school vacations. -- Yes.

And also at Middelburg. -- Yes.

Now, in all that time did you speak Afrikaans to him or any other language? -- Yes, I used to speak Afrikaans although I am saying again not that I am perfect on it.

Do you recall when in 1981 did you go to Vlakplaas? (10)  
-- Who?

When in 1981, do you recall, did you go to Vlakplaas? -- It was in the beginning of the year, if I am not mistaken.

Was Dirk Coetzee already at Vlakplaas when you joined him there? -- Yes, he was already at Vlakplaas.

So you did not go there together? -- No, we did not go together, go later.

And when did you finish up school? -- I finish up school, if I am not mistaken, in '79. I never go back to school again since '79. (20)

So, did you go then directly from school to Vlakplaas? -- Pardon?

Did you go directly from school to Vlakplaas? -- No, I was still around at home and then I once visited Dirk in Middelburg and then I did go back to home again and then I came back again in 1981.

Now, how did it come about that you went to Vlakplaas? -- It come about in such a way that in fact I said I did not want to - I do not want to go back to school, I want a job. In fact I was looking for a job. (30)

Yes, and/..



Yes, and where did you apply for this job? -- Then while I am asking Dirk Coetzee - I did ask how can I join the police, I mean he was also in the police in fact, so is there any possibility that I could join the police.

Yes? -- So, he said well, he does not know and then he will see at the office whether they could allow me to get a job there.

So was it then in actual fact Dirk Coetzee that brought you to Vlakplaas as a labourer? -- Pardon.

Was it in actual fact Dirk Coetzee that brought you (10) to Vlakplaas as a labourer? -- Ja, he brought me in Vlakplas then I started to work as a labourer.

Now, you spoke of going down to the Cape, to the Eastern Cape, where you spent three months. Do you remember that? You spoke in your evidence of a time that you went down to the Eastern Cape for three months. -- I said I am not sure. It might be three month while we were in Eastern Cape.

Was that the first time that you went out from Vlakplaas? -- I cannot remember whether it was the first or - I cannot remember.

(20)

Excepting for the Eastern Cape, were there any other places that you went out with the Vlakplaas people to go and do your job? -- Yes, we did move most of the places. I did move with them to most of the places.

CHAIRMAN: No, sorry. What he wants to know is according to your evidence earlier, the first real experience in the field which we know of you had was in the Eastern Cape. Is that right? That was the first mission or was it not the first mission?

MR KUNY: Mr Chairman, with respect, I do not think that (30)

he said/..

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he said it was the first.

CHAIRMAN: No, I said that was the impression from the evidence.

-- I cannot remember whether it was the first or the second or what. I do not remember there as I have said.

But can you recall any other mission prior to the Eastern Cape mission? Can you remember any mission prior to the Eastern Cape mission? -- I think most of the time we used to go to Lebowa, but I cannot remember whether it is the first or the second. That is the main problem. I cannot say that was the first time when I go to Eastern Cape or it was the (10) second time when I go out because I cannot remember such.

MR MARITZ: Accepting for the Eastern Cape, can you remember any other places that you went to for any length of time during 1981? -- During 1981?

Yes.

CHAIRMAN: That is the year whilst Dirk Coetzee was still at Vlakplaas. -- Well, there is most of places which I did use to go.

MR MARITZ: Well, name them, please. -- I was sometimes in Lebowa's side ..

No, no, in South Africa.

CHAIRMAN: Yes, Lebowa .. -- Yes, Lebowa is in South Africa.

MR MARITZ: Yes. -- I was in Lebowa, Derdepoort, all along those Botswana border post, I used to move there, Zeerust, Rustenburg, Piet Retief, Durban.

CHAIRMAN: Is all this in the time of Dirk Coetzee at Vlak- plaas? -- Yes, I did use to go. I mean there are many places that I cannot remember in the meantime. I mean we did use to go more places, even outside the country like when I am say- ing Swaziland and Lesotho. (30)

MR MARITZ/..

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MR MARITZ: Can I put it to you on this basis, is it correct that you invariably went with Dirk Coetzee. Wherever he went you went?

-- Pardon?

You invariably went with Dirk Coetzee, in other words wherever he went you went along with him. -- No, I cannot agree with you there why, because when he left the place I was no longer with him.

CHAIRMAN: No, please understand. In 1981 Dirk Coetzee was at Vlakplaas, right? -- Yes.

Until the end of 1981. Do you have that? -- Yes. (10)

Now the question is in 1981 did you go on any mission without Dirk Coetzee? -- I mean when we go out then we were always together.

You worked always together? - Yes.

MR MARITZ: Now, you also spoke in your evidence of S&T that you received, is that right? -- Yes.

In other words that was your subsistence allowance? -- Yes.

When you were out in the field? -- Yes.

And I take it that you received in actual fact your (20) subsistence allowance for those periods that you spent in the fields and for no other time. -- Yes, I did use to get that money of the time while I was out and so on.

And I suppose it was quite important to you to receive that money because it was a nice little additional income. -- I do not understand now.

CHAIRMAN: It was extra income. -- Ja, of - I mean I did use to get my pay and then after that and then - well, that allowance of being outside.

MR MARITZ: Now, according to the records that we have of (30) subsistence/..

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subsistence allowance that was paid to you, you were in the Eastern Cape from 20 August until 1 October and then again from 11 to 29 October, would that be correct? -- Well, I mean I was not the person who was writing those things and so on. I cannot say it is correct

or it is right.

Are you prepared to accept the correctness of the records in this regard? -- I mean, we were not doing the records. I mean if it says on such and such a date and this date, then I do not remember and then I cannot say yes or it is not correct.

(10)

Now, if you were to refer to the records we have - I am referring to EXHIBIT B38, Mr Chairman, at page 53 - I am sorry, Mr Chairman. It is B99. I am referring to page 53. Could this be placed before the witness if there is one available, Mr Chairman?

CHAIRMAN: Mr Visser, do you have a copy close by.

MR VISSER: Yes, Mr Chairman.

MR MARITZ: Now, if you would look at the very last signature in the right-hand column it appears to be your signature. -- It appears?

(20)

It appears to be your signature.

CHAIRMAN: The last signature on the page. -- Ja, it appear with my signature.

MR MARITZ: Is that your signature? -- I mean it appears like that.

I am asking you look at the signature, is it yours? -- Ja, I am saying it appears like mine.

CHAIRMAN: Yes, it appears to be his signature, Mr Maritz.

MR MARITZ: So I take it you would have received the sum of money for which you signed being R159,50, is that right? (30)

-- Pardon?/..

C5.289

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-- Pardon?

I take it you would have received the sum of money appearing on the receipt .. -- It might be like that, but I cannot remember. I won't say yes or no.

If you would also look at all the other sums of money in the

second to last column, starting with R145, R181 and some cents and so on, I take it you received all those amounts. -- Ja, I will took it like that.

Is that right? -- I mean I will took it like that.

If you would look at the dates for which you received(10) the S&T, you can satisfy yourself that in those periods, in other words from 20 August until 1 October, you were away. It does not say where you were, but it does say that you were away, not so? -- Yes.

And then again from 11 to 29 October you were also away, is that right? Can you see that? -- I mean when I am looking at this thing - as you are saying of course and it is all right.

So that is the record that we have. I can tell you further that according to the records, exactly the same in(20) respect of Dirk Coetzee. He was away from Vlakplaas and on his work-sheet it was indicated that he was in the Eastern Cape during exactly the same periods being 20 August to 1 October and then 9 to 29 October 1981, is that right?

-- Yes.

CHAIRMAN: Well, he does not know, you have put it. -- I mean I do not say - I mean, I am just listening what you are saying of course.

MR MARITZ: Now, I want to ask you this, do you recall that in those periods you were with Dirk Coetzee in the Eastern (30)

Cape/..

C5.320

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Cape? -- I cannot say or this period or what. I do not know, I mean which month was it, which date and so on. I won't say no or yes and then ...

Well, let me ask it this way then: Do you recall in the three month period that you were away in the Eastern Cape ..

-- Yes, as I am saying that I was one of the time being in Eastern

Cape, about three months, although I am not ...

That is right, that is what I am talking of. -- .. sure whether it is three months or two months.

That is what I am talking about. The question is (10) this, do you recall whether Dirk Coetzee was also in the Eastern Cape then? -- Yes, we were there together. I mean all the squad were in Eastern Cape that time.

Fine. Now, according to the work-sheets and according the S&T forms you were not in the Eastern Cape at any other time save this period of three months roughly, is that corrected? That is during 1981. -- Ja, I won't be in Eastern Cape. No, we used to go there although maybe for two days. I mean just like when we are in Eastern Cape there is a time that we moved to Durban, coming up to Pretoria and then we(20) go back, then even while we were in Pretoria we used to be sent to Eastern Cape and so on whereas we are not based on that place.

But now according to our records, and you can look at the S&T form again if you want to, is that there was a claim for S&T on your own form from 4 to 21 November that you were away from Vlakplaas. -- Yes.

Would that be the period that you were in Durban? -- While we were - I mean, while we were in Eastern Cape I still remember we have been sent to go - we go through Natal, we(30)

came to/..

C5.356

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came to Pretoria and then we go back again.

CHAIRMAN: No, sorry. Mr Maritz is asking you about the fact that you went down to Durban on another occasion. -- Yes.

That was the time when Mr Mxenge died. -- Yes.

And he says the forms indicate that you were in Durban, from 4 November to 21 November and he wants to know whether you have any problem with that fact. -- No, I have got no problem with that

fact although I do not know whether it is the real month that I was in Durban on that month, as I have said that I am not sure of the date and the month. (10)

MR MARITZ: Can we take it that accurate claims were put in for S&T? -- Can we?

Can we accept that accurate claims for subsistence allowance was put in? -- For the time while I was in Durban?

Well, for any time that you were away. -- No, there is no other claim which have been put without being out in fact.

Yes, but the claims in regard to the subsistence allowance, those claims, were they accurate? In other words if the records say that you were away from 4 to 21 November, would that be correct? -- You see, I cannot say. They could be (20) accurate, because I was not working with those records.

CHAIRMAN: Could I ask you in this manner, did you ever - can you remember that you received S&T money for a time that you were not away? -- No, there is no other time that ...

You always - you received what you had to receive? -- Receive, yes.

The correct amount? -- Ja, correct amount of ...

For the time you were away? -- I was away, yes.

MR MARITZ: Thank you, Mr Chairman. According to the S&T claim register you were also away from 1 to 23 December (30)

1981/..

C5.392

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1981. -- Yes, I mean according ...

That was the last entry on that form. Do you see that? -- Yes, I do see that.

And if we put the information together from other claim forms and work-sheets, it appears as if you were in the Eastern Transvaal during that period. Do you recall that? -- No, I mean I do agree with you as you are saying in fact.

Now, accepting that you were in the Eastern Transvaal from 1 to 23 December 1981, do you recall anything about that period?

-- While I was in Eastern Transvaal? (10)

In December 1981. Do you recall anything of what you did during that period? -- No. I mean as I - I mean I am sorry to say it like that. I mean I cannot remember things which we used to do all the time when going out and so on.

CHAIRMAN: No, we accept that. Try and remember the last month before Dirk Coetzee left Vlakplaas or the last time you went out while he was still at Vlakplaas, that seems to be, says the advocate, a visit to the Eastern Transvaal. Can you remember anything about it? If you cannot just say no. -- The Eastern Transvaal is into Durban line or? (20)

No, not Durban. That is after the Durban visit. You see, November 1981 the group went down to Durban. -- Yes.

That we know. December, the point is now December you at least went to Eastern Transvaal, in other words a week or so after you came back from Durban. Can you remember that visit.

-- Eastern Transvaal?

Yes, a week after you came back from Durban.

MR ROBERTS: Sorry, Mr Chairman, if I can interrupt. There might be a way that we can determine this better. The witness did say he went to the police college at the time, at the (30)

end of/..

C5.429

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end of the Dirk Coetzee era and if you look at that exhibit it shows a three months gap just at the beginning of '82 when he could well have been at the police college, so that might be a better ...

CHAIRMAN: All right, let me put it, just before you went to the police college, did you go to Eastern Transvaal? -- You see, I cannot remember which place is that in fact, if ever ..



All right, thank you.

MR MARITZ: Do you recall any incident whatsoever which was of any moment - no, that is a big word, which was sufficient-(10)ly important for you to remember it, that happened before you went to the police college, and that would be in December '81?

-- Yes, there is some of the thing that happen. I mean, Eastern Transvaal - is it in Lesotho line or what, because there is also a thing, but Dirk was not around in the meantime when we go there, to Lesotho for the diamond dealer in fact.

CHAIRMAN: Let me just - what do you say about the diamond dealer.

-- I do not know whether you want to come to that.

What do you say about the diamond dealer in the Eastern Transvaal? -- In Lesotho. (20)

Yes. -- I mean that is one of the things which I never came to it now in the ...

Yes, but that did not take place in the Eastern Trans- vaal. -- Which line is that? I mean, I cannot remember.

That is the Swaziland border, Piet Retief, Nelspruit, Pongola maybe. -- In 1981?

Yes. -- What I remember - I mean I know about Joe Pillay when we bring him back then there is a lot of times - I mean there is a lot of many times which we used to go to Swaziland.

I mean, mostly it was me and Joe and Almond. For a certain(30) reason/..

C5.467

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reason there is some other people who were supposed to be kid-napped. I mean, there were photos and all that things, others, that if ever, we could get them then it is a matter of shooting them.

Mr Maritz, I think the witness cannot, unless you jog his memory, recall what happened in the Eastern Transvaal in De- cember 1981.

MR MARITZ: Now, according to this S&T record, the one before you, the last entry is the one up to 23 December 1981, there are no further entries. Must one take it that after that (10) time you never went out again? -- After that time?

Yes. So, it appears from the record as if the last time that you were out was this period up to 23 December 1981 and thereafter you went to the police college and you .. -- Police college, yes.

And you came back to Vlakplaas again. -- To Vlakplaas, yes.

And then Dirk Coetzee had already left. -- Ja, Coetzee left Vlakplaas in 1981, at the end of 1981.

31 December 1981, yes. Now, it does not appear as if (20) you went out from Vlakplaas again ...

CHAIRMAN: That is not right, Mr Maritz. B39 is also in this witness's name and it deals with the period beyond 23 December 1981, up til '84.

MR ROBERTS: Mr Chairman, I can just explain. The document that Mr Maritz was speaking from, page 53 of the EXHIBIT B99, there are separate ones of those drawn up for each financial year.

MR MARITZ: Oh, I see. I am sorry, Mr Chairman. I will correct that. Now, in any event until you went to the (30)

police college/..

C5.505

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police college at the beginning of '82, you had had absolutely no training of whatever nature, as a policeman? -- Pardon?

Until the stage that you went to the police college, at the beginning of 1982, you had absolutely no training as a policeman. -- Before I went to the police college and then I was not trained.

You had no training? -- I did not have any training. I mean, I was just working with those people, just receiving the instructions what we have to do and then even when we come back also, then it was just the same of receiving the (10) instruction, not that there is any training, that they did train

us, that we must ...

And you had received no training whatsoever from Dirk Coetzee either? -- No, I received only the training in police college.

And Dirk Coetzee did not teach you to shoot? -- No, he did not teach me to shoot.

As a matter of fact he taught you nothing. -- No, we would just see when maybe they are shooting or something and they never taught me, said then come here, I want to teach(20) you to shoot and all that jazz, no.

And he also went along with the rules and the rules were that a student constable may not carry a fire-arm. -- Yes, I didn't carry any fire-arm of course.

And he upheld that rule. He did not arm you .. -- No, he did not arm me.

In the face of that rule. -- Ja, he did not arm me.

So, until you went to the police college you never carried a fire-arm. -- No, I never carried a fire-arm.

Now, in those periods that you went out with the (30)  
groups/..

C5.543

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TSHIKALANGE

groups, what was your job, what did you have to do? -- I mean, when we were out with those groups?

Yes.

CHAIRMAN: That is in the time before you went to the police college, before you went to the police college. -- So, all what I was doing of course and then I was working with the group, I mean those, my superiors like Almond. I mean Joe was also having a gun but anyhow he was not a trained policeman. There were those other Askaris. Most of them they were having guns of course, so I used to walk with them. (10)

Yes, but what did you do? What did you do, except from riding along in the same car and walking in the same road. -- No, I was

being in the unit. I mean, whenever maybe there was a road-block I was also standing in a road-block. Whenever they are doing surveillance somewhere else, we were also together.

MR MARITZ: No, but listen, you had no training as a policeman.  
-- Yes.

You did not know how to arrest people, is that right? Is that right? -- Yes. (20)

And in fact you were not allowed to make any arrests because you were not a trained policeman. -- Yes.

Is that right? -- Yes.

You had no fire-arm. -- I had?

No fire-arm. -- I had no fire-arm, yes.

You did not know the members of the ANC. -- Yes, I did not know except those photos which were there we have - I mean, they used to show us some photos and so on.

Yes, but you did not know them. -- I mean, just like those policemen who were working there, they did not know (30)

the members/..

C5.576

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the members of the ANC. In fact we were just like the leader of those Askaris. I mean, we had to control those Askaris all the time.

CHAIRMAN: But did you control Askaris in 1981, before you went to college? -- Yes. I mean, I did - I was also there.

No, you were there, but how did you control Askaris? -- No, for - control means it is just like when you are going with him, maybe anything could happen, maybe he can run away and all that jazz, you see.

But you had no weapon. -- No, I did not have a wea- (10)  
pon.

So how did you control the Askaris before you became a policeman? -- I mean I was being with people who were having guns.

Who were having pistols.

MR MARITZ: Yes, but the situation becomes even more ridiculous because you say that the Askaris were armed, they had weapons.

-- Yes.

And you the man who was unarmed were supposed to control them. How does that work? -- I mean I was just a man who were looking for any problem. If ever there someone could (20) think he can run away or something like that, and I was just working with them in fact. I was just part and parcel of the unit.

But did you have any specific job to do whatsoever during 1981 or did you have a specific role to play? -- No, I did not have any specific job. I mean in the meantime there were no specific job. I mean, it is just like themselves, I mean those people, they were just moving around, not that there was a specific job that they were doing. There is sometimes a specific job of course. (30)

Can you/..

C5.617

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Can you think of any reason at all why Dirk Coetzee or anybody for that matter, would have used you to perpetrate these escapates that you have been testifying about, you being what you were at that time. -- I do not understand.

CHAIRMAN: What the advocate wants to know is you were a student constable, you had no training, you had no weapon, wants to know why did Dirk Coetzee use you for the things you testified about. -- Okay, let us put it like this. I mean, there were most of the student constables who also work in the police station. I mean, they were also making a guard duty(10) and so on and then, I mean, what is the use of them to be there at the gate whereas they do not have a gun.

Yes, but this is, I think, fairly more serious than having a student constable sitting in an office. That is the question.

This was a serious work, it was dangerous work. -- Ja, it was dangerous work, but well, that is something I cannot explain on my own.

MR MARITZ: Now, you said that before you went to Durban Koos Schutte spoke to you on the farm. -- Yes.

What did he actually say to you? -- He came to the (20) farm, he said he is from the office and then Colonel Schoon said and then you must be ready, Almond is coming to pick you up and Brian, you are going to Durban.

Did he come and say that to you at Vlakplaas? -- Yes, he come and say that at Vlakplaas.

And were you alone when he spoke to you? -- He spoke directly to me and then he also call Brian and tell him that he must be ready.

Did he say that to Brian in your presence? -- Yes.

Were you present when he said that? -- Ja, he told (30) him that/..

C5.664

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him that he must be ready.

Did he say anything else? -- Yes, he did say - I mean while Brian was busy there he said he is going, he said I must organise knives for you guys.

Did Koos Schutte say that he must organise knives? -- Yes, he did say it like that.

Did he organise the knives then? -- Pardon?

Did he in fact organise the knives? -- Yes, he did organise.

What knives did he organise for you guys? -- He came (10) with three hunter knives and then when Almond came then Almond took one of the knives.

Yes, and the other two? -- And then the other two, he took them back.

Weren't you supposed to get a knife too? -- Pardon?

Weren't you supposed to get a knife? -- Where?

Were you not supposed to get a knife as well? -- No. I mean, what he has said and then he said he must organise - they said and then he must organise - they said and then he must organise some - a knife in fact. (20)

CHAIRMAN: No, but I think the problem is this, three of you go down to Durban. -- Yes.

They bring you three knives and then one takes a knife and they give the other two knives back and I find it difficult to understand .. -- In fact on those three knives, he brought them in order that Almond must choose one between them and then it is where Almond took one knife and then jokingly he said I think you are going to kill a cow.

But you see, the problem I have is this: You said earlier that Schutte said that he must find knives for us.(30)

-- Yes/..

C5.707

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TSHIKALANGE

-- Yes.

In other words he had to find knives for you and you were three "of us" and then they bring three knives and only Almond takes a knife. -- Okay, sorry. As I have said that I am not perfect in English too, okay?

Yes. Now, what .. -- So, I mean as I am saying Schutte brought knives, it is knives because they are three, so on that three knives then Almond took one knife from that three.

MR MARITZ: Do you know why you did not receive a knife? -- Well, I do not know. As we were going on the same group, I(10) do not know - I do not know.

Do you know why Brian did not receive a knife? -- I do not know.

Do you know what you were supposed to go and do in Durban? -- I did not know.

Did anybody know? -- No, even Almond - I mean he never said anything to me.

So all the way down to Durban in the bakkie, when you drove down. -- Yes.

Almond never told you what you were going to do in Durban? -- No, he never said anything. (20)

He did not tell Brian Ngqulunga either? -- I do not know because I was sitting on the back of the bakkie. I was alone and then he was - they were - I do not know what did they talk while they were in front in fact.

Now, when you arrived in Durban, you say you went to the C.R. Swart police station. -- Yes.

And did you meet Dirk Coetzee there then? -- I think we saw him at a later stage there, in C.R. Swart.

What is a later stage? -- I cannot remember whether (30)

we saw/..

C5.750

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TSHIKALANGE

we saw him the same day or the following day. He was there.

And then what did he say to you then when he met you on that same day or the next day? -- The next day - I mean we were just moving also around. He never - I mean just normally hallo, hallo, there is nothing - he never told me anything till to a later stage where I heard the same day when the person was killed in fact.

Who did you move around with? -- Well, I cannot remember. I did move around with most of the people, because all the squad was there in Durban. (10)

CHAIRMAN: The squad, is that now the Askaris and the other members from .. -- Ja, ja, other police and Askaris.

MR MARITZ: For how long did you move around with the other people? -- Well, I cannot remember for how long, but what I know is that when that thing happened, I mean that chap being killed, it is when we moved back with Almond, Joe and Brian to Pretoria, but



I cannot remember how long were we there, moving around there together.

In the period that you were down in Durban before the deceased was killed, did you ever move around with Brian Ngqulunga in Durban? -- I think at a certain stage we did move around together. I cannot remember so much. I mean I cannot remember, but I remember on the same day when we go for that - when we go and kill a person, we were together. It was me, Brian Ngqulunga, Joe Mamasela and Almond Nofemela. (20)

Do you recall in the period between arriving in Durban and when the deceased was killed, whether you moved around with Almond Nofemela in Durban. -- I think we did move around sometimes.

What were you doing in Durban? -- Mostly of the time we were/.. (30)

C6.12

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TSHIKALANGE

we were just moving to the police stations outside Durban and so on.

Doing what you were supposed to do? -- Pardon?

Doing what you were supposed to do? -- If you say doing what I was supposed to do, I do not understand the way ..

Yes, moving with groups of Askaris to bus stops, shebeens. -- Yes.

Railway stations, points of congregation. -- Yes, we were moving ...

Where the people could be observed. -- Yes. (10)

Looking for ANC members. -- Yes, we did move ...

That was your job.-- Yes.

And that is what you did in Durban? -- I was moving like that.

Is that what you were doing in Durban? -- I was doing - I mean, I do not understand when you said is that what you were doing because in between those things there are certain things that they used to do, missions and what, what, which they used to do.

I did not understand that. Will you please repeat (20) that. -- I mean when you say doing what we were supposed to do, moving around the shebeens and what, I mean there are some of the things that they used to do in between that, I mean that job. I mean like missions and then they used to call it missions in fact.

Now, which missions did you have then in Durban, in between? -- In between? What I remember is that only of Mxenge, that the chap was being killed there.

No, no. I appreciate that. We have already established that according to the records you were in Durban from 4 to(30)

21 November/..

C6.32

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TSHIKALANGE

21 November. -- Yes.

1981, right? -- Yes, yes.

We also know that the deceased, Mr Griffiths Mxenge, was murdered on 19 November 1981. Now, what I want to know, what did you do from 4 to 19 November 1981 in Durban. -- Well, talking about the date, I will never - I cannot say of course. I mean I do not know what was the date and which day was that in fact. I mean, I know after that thing happened of course we did retreat because they said we must retreat, all of us, and then we did retreat.

(10)

CHAIRMAN: Yes, but I think what you said that before the killing you moved around with members of the security branch and with the Askaris and you were looking for ANC members and do such related work, is that correct? Is that a fair summary of what you said? -- Yes.

MR MARITZ: Now, you also said in your evidence and I want to establish whether that is correct, is that you had absolutely nothing to do with the surveillance of the deceased, if there was any surveillance. -- I have?

Look, if there was surveillance of the deceased in (20) Durban, you had nothing to do with it, is that correct? -- Well, in fact let me put it on this way, I mean the first time when they did try to attend and then I was not there and then I - what I know is only the day while he was killed I was there.

So, you never went out to watch his movements? -- No, I was not there.

You never went to his office? -- No.

You never tried to establish which route he drives his car from his home to his office? -- No, I cannot remember.(30)

And from/..

C6.63

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TSHIKALANGE

And from his office back home? - I cannot remember such.

You never went to his house? -- I do not know whether it was his house as they were - I mean showing that there is where he - he lives there on top.

No, but that is the day of the .. -- There are some houses there. I mean ..

That is the day of the murder? -- Ja, that is the day of the murder.

But before that day, you nver had been to his house? -- I never had been there. (10)

If his dogs were killed you had nothing to do with that either? -- If those dogs were killed, I was not there.

CHAIRMAN: Did you know that the dogs were killed? -- Oh, I heard later, but not that I was there.

MR MARITZ: When did you hear this, that the dogs had been killed? -- I heard later, I think after a week or so. I can- not remember.

After the murder? -- Hm.

A week after the murder? -- Yes.

CHAIRMAN: Yes, he says .. -- I cannot remember, but I (20) heard after the murder in fact.

MR MARITZ: Now, did you ever receive any instructions in regard to the murder? -- Any instruction?

Were you briefed in any way in regard to the murder? -- I still remember while we were in C.R. Swart there on the back, on the security parking, then those guys, I mean who were my superiors, I mean like Almond, he was my superior of course, they go there at the office then I do not know what they did - they talk and then they come back, it was Captain Dirk and Adjutant Paul van Dyk, they were talking there and then (30)

this/..

C6.89

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TSHIKALANGE

this man - so, what, what, I mean Almond did have a photo but they said then there is no need that this photo you must move around with it. So - I mean, giving instruction of course. After that and then - I do not remember whether Almond put the photo in the bakkie or whatever - I mean it was in the morning, like when they talk about that thing. So from there we go away.

The morning of which day are you talking about? -- The morning of - I mean it is the day when the person was killed.

But you have spoken quite a lot now and you have not (10) answered my question. -- No ..

I have asked you this .. -- Yes, I did have an instruction because I also ask why - he said this chap must be murdered by knives rather than to be shot.

Who gave you an instruction? -- It is Captain Dirk who was giving us the instruction.

And who all were present when he gave the instruction? -- Pardon?

Who were present when Dirk Coetzee gave the instruction? -- Joe Mamasela was there, Almond Nofemela was there, (20) Brian Ngqulanga was there and me, myself.

And you? -- Yes, and Paul van Dyk was also there.

And where did this take place? -- Pardon?

Where did it take place? -- Inside C.R. Swart and on the parking of security there.

On the parking-lot? -- Yes.

And what was the instruction? -- The instruction was that this man must be killed. They said and then he must be killed. He said he - he used to say oom Hoffie, oom Hoffie, he say "Hy moet weggevat word, maar hulle wil nie hê hy moet (30)

geskiet word/..

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TSHIKALANGE

geskiet word nie".

VOORSITTER: Oom wie? -- Oom Hoffie.

Oom Hoffie wil hê hy moenie geskiet word nie, hy moet weggevat word? -- Hm, met die mes.

MR MARITZ: Was this the very first intimation .. -- Pardon?

Sorry, was this the very frist time you heard that a murder was supposed to be committed? -- You mean, was it the first ..?

Was this the very first time you heard about the murder which was to be committed? -- Yes, it was the first time (10) when I heard ... (drops voice)

And that was on the morning of the murder itself? -- Ja.

Was it also the first time that Almond Nofemela and Brian Ngqulunga and Joe Mamasela were told to go out and to go and commit this murder? -- Well, I cannot say like that, because when I heard the story later on then they did go and try before the time, so it means that they did know about the story before.

Look, I find this absolutely impossible to understand and to accept. You are made part of a group of four people. (20)

-- Yes.

Who were supposed to go out and murder somebody. -- Yes.

You received this instruction. -- Yes.

Didn't you talk about this amongst yourselves? -- With those other guys?

Yes. -- No. Well, we discuss - I mean not - when I heard the story while they were - I mean from where we received the instruction then they were talking about it, then we did talk about it saying well, this ... but now, we did not go so far with it. We did not carry on with it in fact until - (30)

when/..

C6.146

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TSHIKALANGE

when the thing it was being done.

I do not understand you, I am sorry. You did not carry on with what? -- I mean after - when we heard that thing, we never talk about anything any more, although we did talk sometimes, I cannot remember whether we said something together or something and so on.

Was this the first time anybody else had asked you to go out and murder somebody? -- Pardon?

Was this the first time that anybody had asked you to go out and go and murder somebody? -- I hope it - I cannot (10) say it is the first or what. I cannot remember.

Oh, come now. -- Why? Because I mean there is many times going - this thing of Botswana or Swaziland. I cannot remember which is the first, which is the what and then - because all of this mission was not a mission to go and see a person and come back. It was either kill or kidnap. That is all.

CHAIRMAN: Well, let me ask you this, how many people have you personally killed in your life? -- Myself? On that occasion it was the first one whom I saw - whom we killed. (20)

But that is not the question that was asked you whether it was the first time and you said no, now you say it was the first time. -- Well, no - I mean it was the first time when a person get killed or when I was there also.

MR MARITZ: Are you a normal person according to what you think of yourself? -- Pardon?

Do you think you are a normal man? You don't think you are mad or something. Do you think you are normal? -- Total normal.

Do you think so? -- Yes. (30)

Now, what/..

C6.169

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TSHIKALANGE

Now, what was your reaction when you were asked to go out and murder somebody? -- Well, there was no action to me because it was a matter of instruction and I thought the way they do of course, I mean is the way they work. I mean the way they work - I mean, all the time then they are killing people or something like that.

Did you discuss this murder with your co-murderers to be? -- Pardon?

Did you discuss it with Almond Nofemela and Joe Mamasela and Brian Ngqulunga? -- You mean after killing? (10)

No, no, no, you received an instruction from Dirk Coetzee go out and go and kill somebody. -- Yes.

The four of you. -- Yes.

Did you talk about this amongst the four of you? -- I don't remember whether we did discuss or not.

Did you have any discussions as to how you were going to go about committing this murder? -- I cannot remember.

Did you have any inkling where you would find this man? -- Pardon?

CHAIRMAN: Any idea where you would find the man? -- As it(20) did happen then I was somewhere else. They come and pick me in the hotel there inside the location, so - I mean, they did know of course where to get him or how to surveil him and I did not know.

Let us make it simple, why did you - what was your function,

what did you have to do on this occasion, this mission? -- I mean on the same unit, we were going to do the same job.

I beg your pardon? -- We were going to do the same job, all together. (30)

Yes, but/..

C6.197

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TSHIKALANGE

Yes, but all could not do the same thing. Everyone - each one had a specific task. -- No, it was - I mean, according to the instruction there was no specific task that you must do like this or you must do like this. It was just - I mean, you must do the job.

But didn't you discuss amongst yourselves who was going to do what because in the end all did not do the same thing. Some stabbed, one held a big fire-arm, the other one apparently looked most of the time. -- On the same time it came to a point there - I do not know what happened or maybe it is a(10) matter of being shivering and what what. It might be one of the things there, but the fact remains that we were all going to do the same job.

MR MARITZ: Don't do that, please. The point is this, did you discuss amongst yourselves how you were going to set about committing this murder? -- You mean sit with whom?

No, what I am saying is this, did you - the four of you - discuss amongst yourselves how you were going to carry out this mission? -- I mean, there were no discussion as the instruction was being said that and then you have to do this(20) and this. There was no discussion.

CHAIRMAN: Was there no plan? -- Planning was - I mean, those people, I mean like Brian, he was a grown somebody from the same place. He did know how is that place and ..

Not a plan of the area of the place, a plan to kill the man. Did you have a plan how to kill the man? -- No, I hope they did, but I mean I cannot remember how did they plan it.



MR MARITZ: Do you accept that "they", your own word, planned the murder? -- When I say they you must remember as I have said that I am not perfect in English, so - I mean, there (30)

are some/..

C6.232

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TSHIKALANGE

are some of the things that maybe I say they or just - I mean, there are some of the words which are ...

Making allowance for your imperfection in English .. -- Pardon?

When you say they, do you mean to say that Brian Ngqulunga and Almond Nofemela and Joe Mamasela planned the murder? -- They might have talked about it, but I cannot remember when he talked together.

And if somebody planned this murder, nobody went to the trouble of informing you as to what the plan was? Is that(10) not so? -- I do not understand you.

Nobody told you of a plan.

CHAIRMAN: How to kill. -- I do not understand you. I mean, as I have told you before that Dirk Coetzee have come there and then he was talking there and there was alsoa photo of the same person, saying that this man must be stabbed, he must not be shot and what, what, because I did ask myself that why is it a matter of stabbing him and so on, why can't he be shot.

MR MARITZ: Yes, you have repeated that now on a number of occasions. What I want to know is ... (20)

CHAIRMAN: Yes, Mr Maritz, I think you can go to another point. I think as far as the witness can recall there was no plan, so ...

MR MARITZ: As you please, Mr Chairman. Now, you say that you received this instruction to murder during the course of the morning of the day of the murder? -- I mean, I still remember the day of the murder. It was in the morning, around ten, somewhere

there. I cannot remember ten or eleven, I cannot remember, but it was in the morning.

Do you remember when the murder was committed on that(30)  
particular/..

C6.258

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TSHIKALANGE

particular day? -- Pardon?

Do you remember when the murder was committed on that day?  
-- Ja, it was committed at night.

At night? -- During the evening, in the evening.

Early evening, middle evening, late evening? -- Evening.  
Well, I cannot recall the time.

But it was dark? It was dark? -- Ja, it was dark of course.

Now, what did you do all day until the murder was committed?  
-- What did we do? (10)

You received the instructions at about ten o'clock in the morning. -- Yes.

The murder was committed at night. -- Ja, we were moving as usual.

Where were you moving as usual? -- I think I was moving in the town until late and then I come back again.

With whom were you moving in town? -- I think there were more people. I cannot remember I was moving with Thabo and Petrus - I cannot remember, but I was moving in the town in fact.

(20)

Yes, and then did you return to the police station at some time? -- I returned to the police station.

When? -- It was late, around - let us say five or six, somewhere.

Yes, and then what happened then? -- What happened there and then I find those other guys, Joe, Almond and Brian, but I said and then I am going somewhere else, to a certain place where they did pick me up, in a certain hotel in the location there.

Yes, and then? -- It is where they - when they pick (30)

me up/..

C6.288

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TSHIKALANGE

me up then Almond did give me that knife, I mean the one which we took it from Schutte and then he was also having some two Okapis which he bought in Durban.

Yes, and then? -- They were - he was also having a gun, Brian was also having a gun, then we go to a certain direction where - when we, it was a steep slope. I mean it was a top hill like - then when we were down then we saw a car, a red Passat, which was being driven by a woman going down.

Yes? -- So, from there they turned to a certain road, then we turned back to the same road going back as if we (10) are following the same way where did that Passat go.

Now, you say there was a woman in the Passat. -- Yes.

Do you know who that woman was? -- I heard later on the same day by Brian that when - because when we, we were going that side behind her, but she was already far away, not that we can see us, then we turned back. When we turned back on the same road we stopped there, I think, for passing water there.

Just stop there for a moment. You do not know who that woman was that drove the Passat? -- I am coming to that point.

No, but I am asking you now, do you know who she was?(20) -- Brian did say it is the woman of the person who had been killed.

I see. Did you see where this Passat came from? -- No, it was coming from a steep - there is a road coming to the place. There were houses there on top. I heard Brian as he said and then he said the houses there, there is the house but not saying this is the same house or what, what and then. There were some houses there on top.

The question is this, did you see this Passat driving in the street or did you see it coming from somewhere? -- Ja,(30)

it was coming from a certain house, is there on top.

Did you see it driving out of the house, out of the yard or not? -- No, it was on that small street which is coming from that houses.

So, what you saw was a red Passat driving in the street with a woman as the driver. -- Yes, that the woman was driving.

And that is all you saw -- Ja, then I - yes.

How did you know where to go? Look, you drove up to this place with the steep hill. Right? -- No, we - yes. (10)

How did you know to go to that place? -- Look, maybe we do not understand each other.

Apparently not. -- What I am saying is that we - when we were moving to the same - to that place, then we saw a Passat coming from - with that steep hill. The road is narrow in fact, then instead of going to that place and then we turned to the left-hand side and then that Passat pass away. When it pass away and then we turned back again, following the same Passat.

Yes? -- But now we were far away from that Passat, (20) not long distance and then we turned back again.

All right, now just stop there for a moment. You say that you were picked up somewhere in Durban at an hotel. -- Yes.

By Brian and Joe and Almond. -- Yes.

And that was during the evening? -- Pardon?

That was during the evening. -- Yes.

And then you drove to a place. -- Yes.

This place was where you found the red Passat. -- Ja, coming ... (30)

Now, what/..

Now, what I want to know is how did you know to go to that

place where you found the red Passat? -- How did I?

How did you know to go to the place where you saw the red Passat? -- Look, I mean, as I am saying, even before - I mean, we - I mean, I know, I did know about that mission of course, that is why they come and pick me up there at that certain hotel.

CHAIRMAN: Yes. No, I think all Mr Maritz wants to know, who showed you where to go? -- In the meantime I was on the back of the bakkie. It was Brian, Joe and Almond on front. So, (10)

...

They knew where to go? -- Ja, they knew where to go.

MR MARITZ: They did not discuss where they were going with you? -- No, they told me that and then we are going for that mission.

Yes, but was anything about the mission discussed with you? After you were picked up at the hotel? -- No, they gave me - I mean, as I am saying that Almond gave me a knife, that one knife he said and then we are going for that mission as I did know about it. (20)

Apart from giving you a knife, were any details of the mission discussed with you? -- No, whatever they said and then they said then we are going for that man, although I did not know where to go, which place is that in fact, as I did not know Durban, it was my first time to move around there in Durban.

And if there was a plan, you did not know what the plan was? - Pardon?

If there was a plan you did not know what that plan was? -- If there was a plan? (30)

Yes, to/..

C6.395

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TSHIKALANGE

Yes, to go and commit this murder.

CHAIRMAN: Now, how to commit the murder.

MR MARITZ: How to go and commit it. You did not know what that plan was? -- Which plan again?

CHAIRMAN: I think, Mr Maritz, the witness has an idea that the plan is something drawn on paper. It becomes clear time and again from the answers.

MR MARITZ: Okay, I will put it to you this way, the manner in which the murder was going to be committed, where to go, what to do, who was going to do what, when and where, the whole(10) method of committing a murder, was this discussed between you and anyone of the other members of this group, after you were picked up at the hotel? -- Look, when we - I mean, this thing have been discussed in the morning. The fact remain that then, as even the knives had been bought, those other two Okapis which have been bought in Durban and then - plus there is that other hunter knife. So, I mean, each and everything was ready, I did know where to go of course. I mean, I know what we were going - where we were going and then how - what are we going to do, what, and then of course if ever they (20) gave me the knife and then each and everyone have got a knife and then that other one have got a gun and so on. We did know what are we going to do. I mean, we are going to act on that mission.

Very well, how did you think, you yourself, you were going to take part in a murder, how did you think you were going to commit this murder? -- You mean, how did I plan on my own, how I am going to ..

Yes, what did you think about it? How were you going to do it? -- Well, myself - I mean, I there was no planning (30)

in the/..

C6.434

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TSHIKALANGE

in the meantime, how I am going to act and all that jazz and then - I mean, I know that I am just going to act. There was no planning on my own how I am going to act in fact.

Were you afraid? -- Ja, of course, there were - that

frightened.

What were you afraid of? -- I mean, this most of thing - I mean, just like whenever if we get across of maybe terrorist or something which - a shooting. Of course - I mean, it is not that you can be brave or what, but now there start frightened, I did have .. (10)

Were you afraid that you could be caught by the police? -- Not like that. I mean, I was afraid - I mean we were being sent by - I mean we were doing the job for the police in fact.

Well, if that were the case, why was it necessary to go and commit the murder in secrecy? -- In?

Secrecy, without anybody knowing about it, because the police were not going to arrest you. -- Well, I mean it is very difficult.

If ever it was really a serious thing that it was not - that it was not the job of the police then we should have been arrested and then - we did know that - the only (20) thing is that we must try to divert so, and then how could we get hold of that person, but if not that maybe - I mean, if they found us somehow some other people then of course we know then they are the one who sent us and then they have to see how to do it.

CHAIRMAN: Did you think that there was anything wrong by following Dirk Coetzee's instructions? -- Pardon?

Did you think that Dirk Coetzee's instructions were lawful? -- I can say it is - I cannot say lawful or unlawful. I mean, the way I know is the way they used to work. They (30)

used/..

C6.478

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TSHIKALANGE

used to work like that. I mean, this ...

No, no, let us just answer this question. When Dirk Coetzee told you to kill the deceased, did you think what you were doing was lawful or was unlawful? -- I cannot say unlawful or lawful.

Did you think it was right or did you think it was wrong then,

in 1981? -- I mean, as - I mean, there is a lot of things that they used to do if - why can't it come be lawful. I thought maybe it is lawful.

Just listen. I do not care what they did, because you(10) did not tell me what they did. -- Yes.

So, I do not know what they did before this day. -- Yes.

I do not know to what you are referring if you say they used to do a lot of things. -- I mean on that time I did not, on my side I did not know whether it can be - I cannot say it is, on that time it was unlawful or lawful.

You did not care? -- I mean, it was part of the job. I took it as part of the job.

Did you think it was right or did you think it was wrong?  
-- Well, of course it is really bad of course. (20)

Pardon? -- I mean of course it is not good, I mean, to kill another person, but then I ...

But what did you think? In 1981, did you think it is right what you were doing or did you think it was wrong you were doing?  
-- Well, what I can say being on a unit, there is a thing that make you - although you are afraid or something, then you cannot show the unit that really you do not like it or what, then you must be on one unit.

No, just listen carefully to the question. Forget the unit.  
Forget what you show them. The question is in 1981(30)

did you/..

C6.518

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TSHIKALANGE

did you think that what you were doing was right or did you think it was wrong? -- I have got no answer for that.

And did you think it was lawful or did you think it was unlawful or do you also have no answer to that? -- I mean, I thought it is lawful, because I mean it is being, what do you call, it is being instructed by the police.



That comes back to Mr Maritz's question, if you thought it was lawful, it was a lawful instruction, why don't you shoot the man or kill him in the open street? Why do you have to create the impression that it was a robbery? That is (10) what he puts to you. -- I mean, there is a lot of things that they are doing in a certain way. I mean, the force, which the force is doing, in a certain way that people must not think like this and like this and like this or what, whereas it is being done by them.

MR MARITZ: Can I put it to you this way, the job of a policeman is to prevent crime. -- They?

Not so? -- They?

The job of a policeman is to prevent crime and to arrest people who have committed crimes, is that right? -- I can-(20) say it is right.

You were a policeman for more than five years and you say you do not know. -- Ja, look, I mean in this police, have got different branches. What they are doing - CID is doing, what the security is doing is not the same doing as that the uniform person is doing, I cannot - I mean, there is some certain branches where they do things in different ways.

Well, let us take the CID then. Do you know what the CID stands for? -- Yes.

Surely their job is to find murderers, is that right?(30)

-- Yes/..

C6.556

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TSHIIKALANGE

-- Yes.

Their job is not to commit murders, is that right? -- There is some cases, there is sometimes where they kill people.

But that is not their job. -- Hm.

Is that right? Now, if you were caught in Durban in the act of murdering the deceased, by a policeman, you would have been in trouble. -- Well, that is what you say in fact and then if ever

there was something - it is not that which was not known. If it was known of course - if it was not - I (10) mean was not known it is something else but if - I mean, according how I know the thing, I mean it is the police who have to see what to do about it, because, I mean, they are the one who are ordering the thing to be done like that.

But let us suppose that there were at least a thousand uniform policemen in Durban at the time ...

CHAIRMAN: Mr Maritz, I do not think that the debate is solving the problem.

MR MARITZ: When the car of the deceased was stopped, this white Audi, how did you know that the deceased was driving(20) that car? -- Well, I mean I saw him. He shout and then "Could I help" and then it is when Almond go to the ...

But how did you know that this was the man you were looking for? -- You see, I mean, those people did know - I mean, Almond - mostly Brian, because he was the man - I mean, when they do surveillance, I was not there, then they did know him so much and then even according to that photo that I have seen in the bakkie.

I mean, rather than that in fact I did know that - then there is a certain chap whom we were after him of course. I did know what - I mean, it was not just a (30)

matter/..

C6.603

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TSHIKALANGE

matter of playing game, going inside what you call, moving around. We did know what are we going to do of course.

But that is the point, did Almond or Brian or Joe or any one of them or all of them, tell you that they had had the deceased under surveillance? -- They - I cannot remember whether they told me.

Did they appear to know what they were doing? -- Ja, they appeared to know what they are doing.

In some way or another they must have known that the de- ceased  
drove a white Audi. -- Yes, they did know. (10)

You did not know that? -- No, I did not know that car in fact.

They must have known which route he took from his office to  
his house? -- Ja, the way they were surveilling him, then it shows  
that they did know the way - which way does he took getting to  
home and so on.

And having regard to the evidence that Almond Nofemela gave  
in Pretoria, according to him the deceased was kept under  
surveillance for at least a week. -- So, as I have told you that  
I - when they were doing surveillance, I do not think(20) I was  
there. I was never there when they were busy doing sur- veillance.  
I was only there on the day while he get killed.

If that is so, then Almond and Joe and Brian must have received  
the instruction to commit the murder long before you did. -- It  
might happen that and then they have received, they did know about  
the story before me.

And you were Dirk Coetzee's confidant. -- I am?

You were his friend. I mean, you came with him from Sibasa.  
You were being walking together for years and years. You were  
his big friend. -- Look, on which word do you (30)

want to/..

C6.652

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TSHIKALANGE

want to put that?

Is that so? -- I mean, do you - I cannot understand on which  
word do you want to put that.

CHAIRMAN: The question is were you Dirk Coetzee's friend? -- Well,  
of course we were friends as I have said even before that and then  
I know him from a long time ago.

MR MARITZ: But still apparently he left you out of the whole  
planning for this murder because you know nothing about it. Is  
that right? -- What in - I do not understand.

The fact of the matter is you knew nothing about the (10) planning of this murder, nothing. You had nothing to do with surveillance or any method of committing the murder. -- Look, I mean what I am telling you, the day the deceased get killed then I heard, they were still talking about the same thing. I mean they talk about the same thing while I was there.

I appreciate that, but can you offer any explanation whatsoever why Dirk Coetzee did not take you into his confidence at an earlier stage when he must have taken Nofemela and Joe and Brian into his confidence? -- Well, on that stage I do not think - I cannot answer that. (20)

Can you think of any reason whatsoever why you were brought in belatedly, at such a late stage? -- Well, what I can say - I mean there are more things that used to happen sometimes that I am not in - well, I do not blame, I do not say why I was not in at the first stage or what. I mean, anything that used to happen sometimes I am not there.

No, but the point is this, didn't this strike you as particularly strange, particularly funny? All of a sudden you are brought into a group of three people. -- Yes.

Who are now to go and commit a murder. -- Yes. (30)

Didn't/..

C6.701

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TSHIKALANGE

Didn't you ask questions about this, why am I being brought into this now? -- I did ask only one question - question of why can't he get, why we must not shot him, why, it is because of the knife, what, what and then in the meantime almost working on the Vlakplaas squad is not that they tell you the wholly story and then the explanation how the things do - you only receive the instruction, do this, do this, do this, finish. It is not that they will explain each and everything to you, why is this man going to be killed or whatever the case might be.

(10)

Were you at any time offered any explanation or given any reason whatsoever why you were brought into the group on the day of the murder? -- Well, I cannot answer it because I mean when people are working there is no such that and then this one is being brought in because of what, what. I cannot answer that.

CHAIRMAN: Yes, Mr Maritz.

MR MARITZ: Thank you, Mr Chairman. As a matter of fact if I understand your evidence when the deceased was kidnapped in the road, you did not see anything at all. -- Pardon? (20)

You did not see a thing when the deceased was kidnapped. -- I mean, I saw the car and then I saw, although it was dark, that there is a person inside the car and then he was ...

CHAIRMAN: No, but what the advocate wants to know is did you see how they kidnapped the deceased? -- No, I did not take notice of that.

MR MARITZ: You did not see how he was kidnapped? -- No, I did not take ...

Where were you when that happened? -- I was on the bakkie.

(30) In the/..

C6.745

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TSHIKALANGE

In the bakkie or outside the on the bakkie? Where were you?

-- I was inside the bakkie, in the back of the bakkie.

With the canopy on it? -- Yes.

Right. -- Well, with windows and then I could see outside.

And the reason why you could not see anything was because it was dark. -- Pardon?

The reason why you did not see anything was because it was dark. -- No, I mean - you see, I saw people moving to that car and then firstly it was Almond getting to that Audi, (10) then after that all those two were left in the bakkie and then they go to the car. How did they grab him, dragging him to the car,

I mean, I did not see. Whatever I remember is when they said follow us, that is all.

But all I want to know is this, is this a case of you had not having seen it or is it a case that you saw it but that you had forgotten .. -- I saw them going to the deceased's car.

Now, you said that. -- Yes, I saw that.

But the details of the kidnapping, how it transpired, (20) how it happened, did you see this but you have forgotten it or didn't you see it? -- Ja, I saw it but I cannot remember their reaction and what, what. I mean, that is what I am trying to say.

And during the time that the deceased was kidnapped, were you still sitting in the back of the bakkie? -- Yes, I was still sitting in the back of the bakkie.

After he had been kidnapped, what then? -- And then I go out.

I mean, I did go out before and they turned that Audi and then they said I must follow them with the bakkie. (30)

Who said/..

C6.793

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TSHIKALANGE

Who said you must follow with the bakkie? -- Almond just shouted to me that "Hey, follow us".

Mr Chairman, I see that is 16h00 already.

CHAIRMAN: Could you just give me a short description of how it happened that the Audi came to a standstill. How was the Audi stopped? You sat in the bakkie, in the back of the bakkie, is that right? -- I was sitting on the back of the bakkie, yes.

And was the bakkie driving when you saw the Audi coming from the back? -- How?

Was the bakkie moving when you saw .. -- Ja, it was (10) moving.

An Audi coming from the rear, from the back. -- It was moving slowly till it started to make like this. It seems as if the driver left the accelerator while it was on gear then he started to "ruk"

like that.

And then it came to a standstill. -- Still.

Was that on the left-hand side of the road? -- No, it was in the middle of the road.

And then? -- And then Almond got out and then he opened up the bonnet of that bakkie and then that Audi, when it (20) come nearby then it come to a stop because I mean the road was so narrow that I do not think it was easy for it to pass in fact. So thereafter that man - I remember that he said "Could I help" and then Almond go to the Audi, talking about jumpers and batteries, it is what I heard.

Yes, what worries me is you sit in the back of the bakkie.

-- Yes.

This other car cannot pass the bakkie, is that right? -- Pardon?

The Audi cannot pass the bakkie. -- Look, the bakkie,(30)

it has/..

C6.846

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TSHIKALANGE

it has got windows on the back, on the sides, even on top, here on front.

Yes, listen, the bakkie stopped in the middle of the road.

-- Yes.

The Audi could not pass the bakkie, is that right? -- It stopped on the back of the bakkie.

On the back of the bakkie? -- Yes, behind the bakkie

And you were sitting in the bakkie, looking in that direction?

-- Ja, I was lookingt ...

In the direction of the Audi. -- Yes. (10)

It stopped right behind the bakkie. -- Yes.

They get out and you do not see what they do? -- I mean, when going there - I saw, I mean when they were standing there, but it was so quick that I could not see whether or what because when

those other guys go there, then they were already inside the car.

But you were looking at the bakkie - at the Audia. -- Ja, it is - but I mean, see it was so quick that I could - I mean, I was not so concentrated and then what are they doing or what and so on, you see, because I was supposed to follow them (20) with the bakkie.

No, but they only told you afterwards to follow them with the bakkie. -- Yes.

Not at that stage. -- Hm.

THE COMMISSION ADJOURNS UNTIL 24 APRIL 1990 AT 10h00.



THE COMMISSION RESUMES ON 24 APRIL 1990.

DAVID TSHIKALANGE, d.s.s.

CROSS-EXAMINATION BY MR MARITZ: Mr Tshikalanga before we proceed with the Mxenge matter I wish to discuss your career in the police.

Is it so that you were brought to Vlakplaas as a labourer by Dirk Coetzee on 1 November 1980? -- Yes, that is

... (intervenes)

CHAIRMAN: No, you must please speak harder. I do not hear you that well.

(10)

MR MARITZ: I am sorry Mr Chairman. Then on 20 February 1981 application was made to have you enrolled as a student-constable.

Is that right? -- I cannot remember the date.

But you do not dispute the date that I am giving you, 20 February 1981? -- Well I cannot say that is the date, but I mean it was 1981, but I cannot remember the date.

Yes, according to the police records you were then appointed as a student-constable on 18 March 1981. Would that be correct? -- It might be correct.

And on 3 January 1982 you went to the police college at Hammanskraal to do your course to be enlisted as a policeman? -- I do not think it is that. I think we reported on the 1st.

But in any case you returned after having completed your course, you returned to Vlakplaas on 2 April 1982? -- Yes.

Now on 1 July 1983 you were involved in a fight at the Laudium Hotel in Pretoria where you shot a man with a service revolver in his hand. Is that right? -- Yes, I do not remember the date, but I was involved in a shooting in Laudium.

And you were charged with assault in the law courts and

you/..(30)

you were found guilty of assault? -- Yes.

And that was on 2 May 1984. -- Yes, although I cannot remember the date.

And the sentence was a fine of R500 or 250 days imprisonment? -- Yes.

Then on 1 October 1984 you were transferred to Levubu? -- Yes.

And there on 10 January 1985 you were absent without leave and on 26 July 1985 you were tried by the police and you were cautioned and just discharged? -- Yes, although I do not remember the date, but it is correct.

And then on 23 August 1985 you were convicted of drunken driving and you received a fine of R1 500 or eight months imprisonment, plus a further six months imprisonment which was suspended for five years and your driver's licence were suspended for 12 months? -- Yes. (10)

And then on 18 April 1985 you were also found guilty of driving under the influence of liquor on which occasion you received a fine of R250 or ... (intervenes)

CHAIRMAN: Is that 1986 or 1985?

MR MARITZ: 1985.

CHAIRMAN: And that was 23 August?

MR MARITZ: Yes, the first one was 23 August 1985. (20)

CHAIRMAN: And now you are going back to 18 April 1985.

MR MARITZ: Yes, I am sorry, yes. The first was one was 18 April 1985 also driving under the influence of liquor - R250 fine or 125 days imprisonment and a further 90 days which was suspended for five years. Is that right? -- I mean I cannot remember, but it seems, if I am not mistaken that thing happened the same year.

Yes/...

Yes well, the incident took place or the drunken driving was committed in the first instance, that is the one where you were

fined on 23 August 1985, that happened on 26 January 1985 and the second one 18 April one. That one was committed on 11 February 1985. Is that right? Then on 11 February 1985, that was after your second incident of drunken driving ...(intervenes)

CHAIRMAN: No, no, how is that possible, 1986? I cannot understand, you are going back.

MR MARITZ: Mr Chairman, what transpired here apparently is that the first offence was committed on 26 January 1985 and the second on 11 February 1985. In regard to the second offence he was found guilty and fined on 18 April 1985 whereas in regard to the first offence he was found guilty on 23 August 1985. (10)

CHAIRMAN: Now you were back to the first drunken driving incident on 11 February 1985, yes.

MR MARITZ: Yes, that was the second one. Well in any case on 11 February 1985 he was suspended from the police.

CHAIRMAN: When was he suspended? On 11 February.

MR MARITZ: On 11 February 1985 you were suspended. Is that correct? -- I was suspended from the police?

Yes. -- What I know is that I was brought to the court for absence, being on duty without leave. (20)

But you were also suspended from duties on 11 February 1985.

Isn't that so? -- While I was in Levubu?

Yes. -- No, I do not know about the suspended ...?

And you took your discharge from the police on 25 June 1985?

-- I did not took discharge, I did appear to the court.

Yes, but you were discharged by your own request from the police/...

K1.094

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TSHIKALANGE

police on 25 June 1985? -- They enforced me to take a discharge. (30)

Yes, but that happened on 25 June 1985? -- Well, I cannot remember the date.

Right, now after that until at least November 1989 what did you do then? -- I was working under Herson and White Electricians.

I started to work under Herson and White 1986.

Where were they? -- I was working at KwaNdebele. From there I got to Nelspruit. From Nelspruit I got to Leondale, next to Vosloorus.

And did you work there until November 1989 at least? -- I worked till 1989 then the job stopped. In fact the contract was stopped, because they did not get more jobs, so they deducted the staff and then we had been deducted and they said we could come back later. In fact I did not go anywhere. They said then I must stay there with a certain chap with the name of Wellington, I was staying there until a later stage that I go home and then I come back. They told me I must come back, but I did not go then and then I got another job in Kyalami. (10)

Now yesterday you spoke of your drinking problems? -- My...?

Your drinking problems. You started drinking was that in the period when you were convicted of drunken driving in 1985? -- Yes, I mean since I was working at Vlakplaas I was drinking of course.

Heavily? -- Of course. (20)

All the time? -- All the, I mean I started drinking too much after all those accidents.

After which accidents? -- All that we were working.

Are/...

K1.125

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TSHIKALANGE

Are you talking about your missions? -- Yes, my missions.

Oh, I see and up to when did you then drink so heavily? -- I mean I did stop drinking after when I was out of jail, I did not drink so much anymore. (30)

When was that? -- I cannot remember when I was - I mean it

is 1985 or 1986. I cannot remember.

When were you in jail? -- I think it is 1985 if I am not mistaken.

What were you in jail for? -- For that drunken driving for which they arrested me.

Was that the time when you got a fine of R1 500 or eight months imprisonment? -- Yes.

So you could not pay the fine and you sat in jail then? -- Yes, I did certainly.

And when you got out of jail did you stop drinking? -- I did stop drinking of course. (10)

Why did you stop? -- I mean not drinking. I did stop, not totally stopped, but I drink not so much.

But why did you cut down on your drinking? -- Now I mean I was always thinking because I was driving between, I though maybe I will get to jail again you see.

Yes, but you could not drive because your licence was suspended for 12 months. -- 1986 it was already expired that suspended.

So you stopped drinking because you did not want to run the risk of being convicted of drunken driving again? -- Not that I did stop. I was drinking, but not - mostly maybe while I was sitting. (20)

I see, but you had the presence of mind or the sense at least not to place yourself at risk again being convicted of drunken/...

K1.153

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TSHIKALANGE

drunken driving? -- Yes.

I see. Now returning to the Mxenge matter you explained yesterday that where the deceased was kidnapped it was quite dark and you could not see what was going on? -- No, I said, as I have (30)

said, I said and then we did go to a certain place, coming to that, on the lower place, because it was a steep hill, there was a car coming down and then we turned to a certain place and then we, when that car was gone, we go behind the same car, but it was far away from us. Then we go a short distance and then we turn back again, we stopped on the way. Then stopping on the way we saw the deceased's car, a white Audi coming behind us and then we moved to the same direction he was going. That is what I have said.

But that is not what I asked you. What I asked you is this: You could not tell the Commission yesterday how the deceased was kidnapped because you could not see. -- I said ... (intervenes) (10)

Do you want to change that evidence? -- No, I do not want to change it. I mean what I have said, Almond did go to the Audi and when he go to the Audi Joe and Brian Ngqulunga they followed also and then Almond was talking about jumpers and batteries.

Yes, that you heard, but did you see what they did? -- I mean of course they did get the car. I did not see how did they push him to the car or push him outside of his steering wheel.

Why didn't you see that? -- I mean I saw them going to the same car to the driver, as I have said, but how did they push him or what and then, that is what I mean I did not see. (20)

I want to know why didn't you see that? -- It happened so fast/...

K1.194

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TSHIKALANGE

fast. I mean that I could not explain how did they push him, how did they drag him in the car like that.

Were you actually looking at them? -- Yes, I did look at them.

Could you see what they were doing? -- I mean I did see when they talked there.

You could not have seen when they talked, you heard when they talked, but could you see what they were doing? -- I mean how did (30)

they push him in, I cannot explain that.

CHAIRMAN: Yes, but what Mr Maritz wants to know is, you do not know what they did to the deceased at that stage. Is that because you did not look or because you could not see?-- I did see them going to the car and standing next to the car.

So you could in other words see. It was not that dark that you could not see? -- I did see.

MR MARITZ: Well if you could see, can you tell us why you cannot give an account of what happened? -- What I will say, I mean how did they push him or, I saw them getting in the car, but, I saw them they were in the car already. How they pushed him from his driving steering, I mean I did not see anything how they pushed him and do that thing. (10)

Did you hear for instance whether the deceased said anything? -- I heard when he said he need help and then Almond going to him saying jumpers and batteries. He was talking about jumpers and batteries.

Yes, did you hear anything else spoke? -- I did not hear some other things which they talked together.

The deceased did not cry out when he was threatened by Nofemela or whomsoever? -- No, I mean I never heard any shout. (20)

He did not remonstrate with them? In other words he did not/...

K1.225

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TSHIKALANGE

not protest ... (intervene)

CHAIRMAN: Or plea? -- No, as I am saying I did not hear any shout.

MR MARITZ: I see. Now when you then drove off, all you did was to follow the car in which your colleagues were? -- Yes. (30)

You did not know where you were going? -- No, I did not know where they - which way they are going to take. In fact as long

as I mean I am following them, behind them in fact.

It was never discussed between the four of you where the deceased would be taken to? -- No, it was never discussed.

And eventually the place where the deceased was killed, you do not know where that is either? -- As I am saying that place, I mean it was my first time to be on that place. I do not know what happened.

Were there any houses in the vicinity of this place where the deceased was murdered? -- I cannot remember.

Well I suppose you would have wanted to take the deceased  
(10)  
as far away from other people as possible to murder him. -- I mean, of course, I mean it was, I mean we drove a short distance in fact, I mean ... (intervenes)

Yes, but were you in a built-up area, were you in the veld, can you give any indication of where you were? -- At that place as I am saying it was like a ground, because there were no grass there. It is how I saw the place and then it was during the night and it was my first time to be on that place.

Was there any lighting of any kind whatsoever there?-- Any lighting?

(20)  
In other words street lamps or any other kind of light? -- I never saw any light on that place where we were.

In/...

K1.254

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TSHIKALANGE

In other words you were in the dark? -- Yes.

Now could you see in which manner the deceased was being assaulted? -- Of course I mean as those things were happening nearby I could see what is happening.

Now please describe how this assault was carried out? Now  
(30)  
think very carefully, take your time and tell us how this happened?  
-- Yes, I mean when I reached there, I parked my bakkie behind



them, behind the Audi and in the mean time those people were busy, they were busy struggling with the same man.

Where were they struggling? -- From the car going to the left-side of the car.

So they were struggling on the ground? -- Yes.

How were they struggling? -- They were struggling, beating him, kicking him and then stabbing him.

And who were they? -- It was mostly Almond and Joe Mamasela.

Now if you say mostly, was there anybody else at that stage who intervened or helped? -- There was Brian Ngqulunga who was standing with a gun, with a pistol there. (10)

Did Brian Ngqulunga do anything but stand there with a gun? -- No he did not beat as I have said before.

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

Now Almond and Joe were then beating and kicking the deceased and stabbing him? -- Yes.

And then what happened then? -- And then coming a little bit far away from the car as I have said on the left, then he was also fighting, the deceased, he was also fighting and they were busy with him and then I stabbed him, as I have said, on the chest. (20)

I cannot remember whether it is on the left or on the right.

So from there as the men was fighting I could not

take/...

K1.291

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TSHIKALANGE

take the knife off. I jumped one side. When I jumped one side he took himself, he took out that knife and then he wanted to stab Almond. Almond beat him with a wheelspanner on the hand, that knife fall down and then in the mean time when he was doing that thing, then Joe Mamasela was behind the man beating him and stabbing him and then when ... (intervenes) (30)

Just a minute, before you carry on, was Joe stabbing the

deceased repeatedly from behind? -- Yes.

Did he stab him many times? -- Yes, he stabbed him many times and then when that knife fall down Almond continued beating him on the head. I mean all over. He was just beating him. I cannot say what, firstly I know he beat him on the hand and then he was just beating him like this on the head too until the man fall down and then Almond took that knife which was on the ground while the deceased was lying and then I saw him holding the knife here on the neck and then I just jumped, I looked one side. I never wanted to look on that thing again.

(10)

After that did you look at all? -- No, I never wanted to, I mean I go far away from that, I was frightened.

What did you do, did you go back to the bakkie? -- Yes, I did go back.

So you do not know what happened further on? -- No, I mean after they had done that thing, as I was standing next to the bakkie, the deceased was lying there and then they get inside the car, the deceased's car, they drove and then they said I must follow them.

CHAIRMAN: Yes, but who slit the deceased's throat? -- Pardon?

(20)

Who slit the deceased's throat? -- I saw Almond holding  
the/...

K1.330

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TSHIKALANGE

the knife here on the deceased's what you call, his throat.

The deceased was lying? -- Yes.

On the ground? -- Yes.

On his back or on his face? -- I cannot remember whether he was lying on his side or on the back. I cannot remember.

On his face? -- No, he was not lying on his face.

(30)

MR MARITZ: But what I want to know is this: When Almond had the knife to the throat then you looked away? -- Yes, I looked one

side.

Did you look at what was happening again after that or not?

-- No, I did not want to look again.

What did you do, did you go back to your bakkie? -- I stand far away there, next to the bakkie.

Looking in the other direction. You did not want to see anymore? -- Well I mean I can say I was looking there, but not concentrating again so much on that thing exactly.

Well if you were looking there did you see anything else happen? -- No, whatever happened, I saw Almond going to the car and Joe and Brian to the deceased's car and then they, I mean the chap was lying down there. So they drove away with the deceased's car and then they said I must follow them. (10)

Which you then did? -- Pardon?

Which you then did? -- Which ...?

Which you then did, you followed them? -- I did follow them.

I see. Now how long did this take, the murder? -- It is a short while. I cannot say at least how many minutes or something like that, but it was a short while.

Now Almond Nofemela also testified before this Commission and he told a remarkably different story from yours. He says that/... (20)

K1.373

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TSHIKALANGE

that all four of you kicked and punched the deceased until he fell on the ground. Is that so? -- Look, you are telling me what Almond said. I am telling you what I have seen.

Well you preferred to describe the same incident. -- Yes, I am describing the way I saw it.

And we have two versions. We have your version with regard to the same incident and Almond's version in regard to the same incident. Now I am telling you what Almond is saying, because (30)

I want to hear what you say about his story as to what happened.

When Almond says ...? -- Look this thing, okay, I do understand. Look this thing happened a long time ago, I mean how he does remember how it happened is somehow - I mean even myself there is some of the things I cannot remember how it happened, but there are some things that I remember and that is what I am saying of course. I was present when the thing was happening.

Very well, on that basis then. Almond said that all four of you kicked and pounced the deceased until he fell to the ground.

Do you remember that or do you say it did not happen or is Almond's memory fallible, what is the situation? (10)

-- I cannot say it did not happen. I mean as I am saying that there is many things, these things happened a long time ago. There is some things that I can remember and so on. You know, but I am just trying to testify what I remember as I was present on that case.

Are you saying that Almond may be correct, but that you have just forgotten it? -- It might be like that.

Am I jogging your memory, is it coming back to you now that you participated in kicking and hitting the deceased until he fell down? -- In fact I cannot remember whether I did (20)

kick/...

K1.410

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TSHIKALANGE

kick.

But it is possible?-- It might be like that, but I cannot remember.

He says that after you had beaten the deceased to the ground ... (intervenes)

CHAIRMAN: That is now all four of them.

MR MARITZ: All four of you had beaten the deceased to the ground, all four of you proceeded to stab the deceased while he was lying (30)

on the ground. -- Myself, as I am saying, I mean if you could listen what had happened, when I stabbed him on the chest, I could not take that knife out.

CHAIRMAN: Yes, but the question is could that have happened while he was lying on the ground? Could you have stabbed him in the chest while he was lying? -- I never had that knife to my hand, it was taken by Almond.

Did you, no, I do not follow, just listen carefully: Did, could it happen or is it possible that it happened or can't you remember that you stabbed the deceased while he was lying on the ground, the deceased was lying on the ground? -- No, while he was lying on the ground I never stabbed him. (10)

You did not stab him? -- Yes.

MR MARITZ: So then Almond must be wrong when he says that you stabbed the deceased when he was lying on the ground? -- Of course.

He further says that when you stabbed the deceased with the knife in the chest and when the knife got stuck the deceased was also on the ground. Would he be wrong in saying that? -- What I remember he was still standing, he was still fighting. He was not on the ground. (20)

Now when you saw Nofemela for the first time with the deceased/...

K1.449 - 112 - TSHIKALANGE  
deceased, beating and kicking and stabbing him, did he have the wheelspanner with him? -- I cannot remember whether he ran and took it or he was having it. One of the two. I think he was having it.

So he had the wheelspanner in the one hand and the knife in the other hand? -- Yes. (30)

That was right from the beginning when you saw him? -- I think it is like that.

It is like that you say. Well once again Almond says with this knife in the chest incident he first ran to the bakkie to go and fetch the wheelspanner and then he came back and then he started beating the deceased on the head with it.

-- I mean you are trying to explain to me what Almond said. I mean I am trying to say what I could remember what happened there during my presence. I mean when the deceased was being killed.

Very well, let us look at some other aspects. Surveillance was done according to Almond by all four of you. -- Well as I have told you that it might have happened, but I cannot remember that I did make surveillance with them. It might have happened something, because as I have said this thing has happened a long time ago. (10)

According to Nofemela ...? -- So there is a lot of things that I can remember of course.

According to Nofemela and according to the statement made by Dirk Coetzee all four of you were involved in the poisoning of the dogs. -- No, in the poisoning of dogs I was not there. I was not there.

So Nofemela and Dirk Coetzee would be wrong in regard to that? -- They were wrong of course. I was not there. (20)

According/...

K1.493

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TSHIKALANGE

According to Nofemela you were given the knives by Coetzee, Dirk Coetzee, in Durban. -- According to what I have seen, there are two Okapis which have been bought. Almond had been given money to go and buy those two Okapis and then the one we brought it from Pretoria which had been given by Sergeant Schutte, that is all.

But even your friend, Coetzee, tells a different story about this. (30)

MR KUNY(?): Mr Chairman perhaps before my learned friend proceeds

with this question he should indicate where he gets the information from as to what Coetzee has said.

CHAIRMAN: I think it comes from the tape.

MR KUNY(?): Well perhaps he could just identify that.

MR MARITZ: It is contained in the transcript. Mr Chairman may I place on record that a new and better transcript have been prepared by Vlok Opnames. I do not know whether one could give this another number or something.

CHAIRMAN: We will make it B3(a).

MR MARITZ: B3(a), thank you Mr Chairman. I will give you the (10)  
passage from that transcript. On page 79 Coetzee said in this statement that someone was send out, I do not know who, it does not say here, to go and buy two Okapi knives in Durban. That is your recollection too? -- That is what I am saying too.

But then he says the hunting knife he took from the boot of his car and gave it to you. -- Well, I cannot remember how this happened, but what I know is that or either Almond did when we came to Durban he gave Coetzee that hunt knife, I can remember, but the fact remain that we took it, I have seen it when we had given, while it was given to us by Sergeant

(20)  
Schutte/...

K1.545

- 114 -

TSHIKALANGE

Schutte.

Well it does appear that Coetzee does not agree with you on that basis, on that ...? -- Well, it might happen that he does not agree with me. I am trying to say what I have seen and then I was also present when things happened.

And it does appear that Nofemela does not agree with you either, because his testimony was that he received all the knives, (30)  
or the four of you received knives from Coetzee in Durban. -- I mean, do you take what I am saying in the mean time? I mean, what

I am saying is that the Okapis have been bought in Durban and then the hunting knife is from Pretoria which was given to us by Sergeant Schutte.

Now this Okapi knife, please describe it? -- It is a normal Okapi knife.

No describe it? -- Well I do not know how can I describe, I cannot remember, how can I describe that.

CHAIRMAN: No, an ordinary Okapi knife is a knife that can close. -- Yes, it can close.

MR MARITZ: And these Okapis that were bought by Nofemela how big (10) were they? -- Well, although I do not know how can I, they were long enough.

CHAIRMAN: A normal Okapi knife? -- It was long. I cannot remember, I mean I cannot describe how long was it, but they were a long Okapi.

MR MARITZ: It is a pocket-knife. I carry a pocket-knife. It is a better one than an Okapi. -- It is too small.

It looks something like that? -- I mean it do close, but that one is too small.

This one is too small? -- Yes.

How much bigger would your Okapi have been? -- Pardon? (20)

How/...

K1.582

- 115 -

TSHIKALANGE

How much bigger would your Okapis have been? -- No, it was longer than that knife.

How much longer? -- It is long. I mean I cannot say how long or what, but it was long.

I see. Now the hunting knife that you used to stab the deceased with, where did you get that from? -- I have said it (30) already. First of all that hunting knife is coming from Pretoria and that it was always in the bakkie there. I mean when we were



going for that mission of course, then they would always be with us and then Almond gave it to me and he said it must always be with me.

Yes, but when did he give it to you? -- When they came and pick me up at the hotel.

At the hotel? -- Yes.

Then he gave you the hunting knife? -- Yes.

Was this a better knife than an Okapi? -- Yes it was also, I mean as long as an Okapi, that same Okapi or even longer than that.

You see I find it very strange that Nofemela would select a knife out of three knives presented to him by Schutte, cart the knife all the way down to Durban, do all the work in regard to the murder of the deceased, but give you the best knife of the lot when you played the minor roll. I find it very, very strange. -- How do you know that it was the best knife?

Don't you think it was? -- It was the same. I mean those Okapis they were not the best.

Well for the simple reason that an Okapi is a clasp knife? -- Is a ...?

An Okapi is a clasp knife.

CHAIRMAN: /...

K1.625

- 116 -

TSHIKALANGE

CHAIRMAN: It can close.

MR MARITZ: It closes. It is not a fixed blade. You can cut your fingers with that thing very easily if you stab incorrectly.

-- Yes, but I mean they were also doing the same job. I mean they were no different. I mean even that Okapi if it was only an Okapi

of course, that chap, I mean that chap should have died. I mean there is many people who used to be killed by Okapis here in Johannesburg, all over in fact.

(30)

I see, no, I appreciate that. But in any event can I ask you this, because Almond Nofemela could not give us these answers, possibly you can. I take it that because the deceased was stabbed so many times he must have bled quite a lot. -- Well it might be like that, because I never like to stand and look how he is hit and so on, as I have told you.

He must bleed of course, he might have bled a lot.

It stands to reason that he would have bled quite a lot? -- Yes, I mean I never stand and look how did he bleed and all that jazz, you see.

You did not have any blood on your clothes did you? -- I cannot remember having any blood. (10)

Well Nofemela said that he had blood on his clothes. -- Yes well, sure.

Now the part which is very very strange is that at the inquest held into the death of the late Mr Griffith Mxenge, the deceased, there was evidence that the trousers which he had on the morning that he was found lying dead, there was no blood at all. -- Well look, when they did the inquest I was not there. As I have told you that the same time when we came back to C.R. Swart, they told us that we must retreat. So I do not know what had happened there or ... (intervenes) (20)

No-no/...

K1.678

- 117 -

TSHIKALANGE

No-no, wait a minute, you say the four of you killed the deceased? -- Yes.

And you left him lying exactly there where you killed him? -- Yes.

You drove off? -- Yes.

And he bled or he must have bled? -- He must have bled. I mean, as I have told you, I never looked and see how did he bleed (30)

or something like that.

I am putting it to you that the funny thing is this that one of the objective facts which came out at the inquest was that his trousers had no blood on, nothing, not a speck of blood and I want to know whether you could explain how this happened? -- I mean, who was doing in the inquest. I mean, I was not being with him.

I cannot explain for that. The people who were doing the inquest they should have given a certain report or whatever they have done, I do not know. Whatever I know is that we killed the deceased and then he had been stabbed a lot and then I never look how he bled and then we left him lying there. (10)

A further funny thing was that although the deceased or the deceased's trousers had no blood on, his underpants were blooded.

Now that is a very funny thing that his underpants would have blood on, but not his pants. Can you explain that? -- I am sorry.

I mean for that I do not think I have got any reply for that according to the inquest and all that jazz. I was not there.

There is only one logical explanation for that and that is that his trousers were removed before he was murdered and then put on again later on after he was murdered. -- Well that I do not know. I mean, I have got no reply or answer for (20)

that/...

K1.716

- 118 -

TSHIKALANGE

that.

Did you take his trousers off before you murdered him? -- I never took his ... (intervenes)

Did you put his trousers on again after you had murdered him? -- No, as I have told you what had happened, we left him lying there, nothing had happened again. I mean I do not know about the inquest or what has happened later on and then I have no answer for the inquest questions. (30)

A further difficulty I had with your evidence is that according to the autopsy report the deceased had no marks on his hands which could have been caused by a blow such as you have described.

CHAIRMAN: That was, the blows were actually shown by the witness to be on the forearm although he said hand.

MR MARITZ: Yes, well even in respect of that the autopsy report does not show such an injury. Can you explain that? -- Look, as I have told you, according to the inquest and all that things, I have got no answer for that.

The autopsy report further showed two wounds to the deceased's back. (10)

CHAIRMAN: Two wounds on the back.

MR MARITZ: Well only one really. The one little wound is wound number 32 which is described as follows: "Two centi-metre clean cut wound, 12 centimetres left below top of shoulder and eight centimetres left of midline. Non-pene-trating wound. In other words a superficial skin-wound just above the left shoulder-blade.

That is the only wound on the back. -- Well I mean, according to the inquest things, I do not know, but I know he was hurt and then we left him lying down. That is all. (20)

CHAIRMAN: /...

K1.776

- 119 -

TSHIKALANGE

CHAIRMAN: What Mr Maritz says is you described earlier how Joe stabbed the deceased in his back.

MR MARITZ: No, from the back.

CHAIRMAN: From behind, do you remember that? Did you stab him from behind? -- He was stabbing also.

He was stabbed from behind. Just explain how he stabbed him from behind? -- Look I mean I have seen him just throwing the hands and then mind you, this deceased man he was also fighting (30)

on the back side and the front side also. He might have been moving like this and then he, I mean ... (intervenes)

MR MARITZ: But listen, you say that Joe was supposed to attack the deceased from behind with a knife? -- Yes.

And he stabbed him from behind on his back. Is that right?  
-- Yes.

Many times? -- Yes.

And I suppose Almond Nofemela attacked him from the front?  
-- Yes.

And he stabbed him many times from the front? -- Yes.

(10)

Is that so? -- Yes.

Now what I am saying to you is this: Apart from this one stab wound, which is a very superficial wound according to the doctor that examined the body, there were no other wounds from behind on the back, nothing. -- Look as I am saying, this man was not only facing the front people who were fighting there in the front, who was fighting against him. He was also turning around, fighting with the people with the person on the back or at the front. That is what I am saying.

Would you rather like to say that Joe and Almond both attacked the deceased from the front, would that suit you

(20)

better/...

K1.823

- 120 -

TSHIKALANGE

better? -- Joe, I mean Joe was behind him and then I also come in front of him.

Yes, but you stabbed him once?-- Yes.

The deceased had in excess of 30 stab wounds, do you know that? -- Yes.

You knew that? -- I mean I do not know how many times of wounds did happen there.

(30)

Well, I can tell you that in excess of 30 stab wounds. Between

30 and 40 stab wounds on his body. -- As I mean as I am saying, I mean he was stabbed many times and then I cannot judge how many wounds and all that things, but the fact remains that he was stabbed many times.

Who inflicted all these wounds on the front of the body? -- Who ...?

Who inflicted all these wounds on the front of the body? -- Look, I have already said that this man was not just standing or facing us indirectly. He was fighting with the people. I mean, it might have happened when he turned to that chap, beat him again here and when he turned, like that. (10)

Are you guessing now? -- I am not guessing, I am talking what I have seen, I was there.

Well then I want to ask you this again then: Was it Almond Nofemela who were responsible for all the wounds in the front of the body or do you think that Joe was responsible for those wounds as well? -- I cannot say who is responsible for many wounds, who was responsible for this wound, I cannot say. All those people were stabbing.

But you not, you only stabbed once? -- I stabbed once. (20)

I see. So there is no way that you can explain to us or help us to understand how it came about that if Joe attacked the/...

K1.882

- 121 -

TSHIKALANGE

the deceased from behind and stabbed him on his back on a number of occasions that he would only have one stab wound on the back.

You cannot explain that? -- I have explained that this chap was not only facing in one direction. He used to turn around. You see I mean there was not only one person whom he was facing that chap. He was facing three people who were against him, attacking him with some knives. It might have happened that when he turned (30)

so, the same chap that were at the back could have stabbed him on the front just like that.

CHAIRMAN: Then why would Joe worry to try and attack him from behind? -- Pardon.

Why would Joe then try to attack him from behind? -- Well it is how they keep him, take him out from the car. It is how they take him out from the car. I mean it was not a position that someone must stand here or, I mean we were just all moving towards the same person who were fighting also.

MR MARITZ: Well I must give you then another objective, fact is (10) that the doctor who performed the autopsy or examined the body afterwards found no evidence of kicking and punching, nothing.

How do you explain that? -- Well I mean I am not K2. talking about the examination. I am talking what I have seen, what happened during my presence... (intervenes)

I understand this. Sorry, I do not want to interrupt you unnecessarily. If I am unfair tell me, but understand this, it is a medical fact that if the man had been kicked...? -- It might have ... (intervenes)

Listen to me please. If the man had been kicked and punched (20) one would have found evidence of that fact at the autopsy. -- Well what I know is he was kicked and punched.

It/...

K2.080

- 122 -

TSHIKALANGE

It is either that thing did not get inside the flesh in order that the doctor could see, I do not know.

Here is another funny little thing. The objective evidence was at the inquest that there was no blood on the scene. Can you explain that? -- No, I have got no explanation for that. (30)

The further objective evidence at the inquest was ... (intervenes)

CHAIRMAN: There was no blood at the scene. I think ...

(intervenes)

MR MARITZ: Very little.

CHAIRMAN: I think the impression was that there was little blood at the scene.

MR MARITZ: That is so. Sorry, I stand to be corrected, but the further very, very important objective evidence at the inquest was that there were no signs of struggle in the vicinity of the body, nothing. -- Look as I have said, it was raining a little bit. It might have happened that that rain have taken out that foot, I mean that steps and all that. (10)

But so much the more, if it was raining, apparently it was raining. -- It was raining the same day as I have said.

The ground would have been soft and very deep imprints would have been left by any struggle.

MR KUNY(?): Mr Chairman he is not really entitled to make these assumptions, the questions on this basis.

CHAIRMAN: Why?

MR KUNY(?): On what basis does he make that statement? He is making assumptions. (20)

CHAIRMAN: Mr Maritz I think you are arguing with the witness.

MR MARITZ: I am putting it as a probability Mr Chairman.

CHAIRMAN: /...

K2.102

- 123 -

TSHIKALANGE

CHAIRMAN: Yes, but that is argument.

MR MARITZ: But in any case, apart from the rain you cannot explain why no signs of struggle were found when the body was found.

MR ROBERTS: Mr Chairman, Roberts here, this is not correct.

-- This might be in the rain, but I mean there was a struggle. (30)

CHAIRMAN: Can I just have some order. This is not a cinema paradiso, yes.



MR ROBERTS: I beg your pardon. I have made notes about the various witnesses who at the inquest gave evidence and one of them Lieutenant Le Grange talks about:

"Dit lyk asof twee persone moontlik kon gestoei het." Somebody else, I have to find the reference, also talks about the struggle. So there are different versions about exactly what signs of blood were there and struggle and things like that, it is not that it is a clearcut fact.

MR MARITZ: Thank you, can I put it to you like this: There were at least two witnesses that testified that their clear impression (10) was that the body had been dumped at the place where it was found.

Can you comment on that? -- Well, I have no comment. I mean what I know is that after killing that chap then we left him there.

That he has been moved to another place or whatever the case might be and as I told you we left the body there.

CHAIRMAN: Did you leave the body on the road or did you leave the body in the veld on an open ..? -- It was in an open spacing.

Away from the road? -- No, it was not on the road.

Was he left on the road or was he not left on the

road/...  
(20)

K2.124

- 124 -

TSHIKALANGE

road? -- He was that place was, I mean clear ground which did not have grass.

Yes, I appreciate that, but the road also does not have grass.

Now I ask you was the deceased killed on the road or was he not killed on the road? -- What I remember it was an open ground. I do not know whether it is still a road or ...

(intervenes)

But you were driving on the road. So you do know where the road was? -- It was in an open space as I have said. (30)

In other words not on the road? -- No, it was not a road.

The way it was I would say it does not look like a road, it is more open.

MR MARITZ: Let us take the next thing. After this murder was supposed to be committed by you where did you go to then? -- We did go to C.R. Swart.

Now Dirk Coetzee tells a different story in his statement.

He says he met you at a bar in Durban. -- Look, when, sorry, could I say something?

Yes. -- When we go and do that job it was not pleasant when we killed the deceased. Then explaining when we came back to C.R. Swart, I saw Dirk, because I was standing there on the parking in the front of C.R. Swart. (10)

I must tell you that Dirk Coetzee tells a totally different story. At page 79 of B3(a) he tells that there was a pre-arranged meeting place. It was a bar in Durban and he would go there every hour on the hour and he met the four of you there in the bar at about 22h00 or 23h00 that night. -- Well I cannot remember. Whatever I know is that Joe and Almond did go and report and then Dirk came to C.R. Swart's parking outside the gate and I saw Dirk and Braam du Preez.

(20)  
Now/...

K2.159

- 125 -

TSHIKALANGE

Now when Dirk tells this story here of the meeting place in a bar in Durban he must have been dreaming. -- I do not remember such a thing.

You do not remember such a thing? -- No.

Because he says and he is very explicit about it, he says that when he got to the bar Joe was standing there in the bar with the deceased's jacket on, his watch on his wrist and his wallet in his pocket and the keys of the car as well, in the bar in Durban? (30)  
-- Well if that was the time when they go and report I was not

with them.

Yes, but did they report at C.R. Swart or did they report somewhere else? -- Whatever I know, we came to C.R. Swart and then they got inside. I saw them getting inside the, what you call, I was standing at the bakkie.

Inside the what you call it? -- Inside the yard of the police station.

Did they leave the police station to go to a bar? -- I do not know if they had gone to a bar or where had they gone, but what I have seen, Dirk had come to that place where I was standing.

But do you know whether Almond and Joe left C.R. Swart to go and report somewhere else? -- I saw them getting inside, that is what I can remember, getting inside C.R. Swart. (10)

No, but the question is did you ever see them leaving C.R. Swart to go and report somewhere else at the bar in Durban which Dirk speaks of? -- I mean this thing, there is some of the things which I 'not remember so much. This thing happened a long time ago. I cannot remember whether they did go. They did get to C.R. Swart or they go somewhere else to a certain bar, I cannot remember so much.

(20)  
Okay/...

K2.185

- 126 -

TSHIKALANGE

Okay, so you are keeping options open. Now as far as returning to Pretoria is concerned, according to Dirk Coetzee, the whole group, including the four of you who were supposed to have committed this murder returned on the 20th, in other words on the following day. -- Well what I remember is that then after the killing he took those knives and clothes and then we were told to retreat at the same time and then we did move.

But you say it was that same night. -- Yes, it is the same night. (30)

The same night, it was not the following day? -- No.

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

And did you go with the group? -- No, we go, it was me, Almond, Brian and Joe, the group who also followed in the morning or something like that, but they did also retreat.

So that same night the four of you ...? -- We did move.

You got into your bakkie with the canopy on and left? -- Yes.

Now at page 82 of the new transcription, B3(a), Dirk Coetzee tells a totally different story. He says that on the 20th, the morning of the 20th, that is the day after the murder he drove to Gollela border post, you drove with him and he gave you a lift up to Empangeni where you had a girl-friend and he put you off there at Empangeni to go and stay with your girl-friend. -- You see they were mixing a story. This is sometime when he put me at Empangeni. He cannot remember, but it was not at the time of that murder. He did mix the story. (10)

For that matter Nofemela does not back you up, because he says that he took Mxenge's car, he and Coetzee took Mxenge's car up to the Swaziland border on that same evening of the

murder/... (20)

K2.226

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TSHIKALANGE

murder. -- I think he is making a mistake there. What I remember is what I am telling you now.

Do you recall whether you did anything to change the appearance of the beige bakkie that you were driving with when you went and committed the murder? -- Would make ...?

Whether you changed anything on the bakkie to camouflage it or to make it look different? -- I cannot remember and then on that day of that killing, I do not remember anything or that we have changed anything, the bakkie or something like that. (30)

Can I just put this to you and then I suppose we can take

the tea adjournment, but at page 129 of the evidence, Nofemela said that the three of you, being yourself, Joe and Brian, should take off the canopy of the bakkie and put other false number-plates in the car, in the bakkie, which we used when we kidnapped Mr Mxenge.

In other words what he says that during the time of the murder and the kidnapping, false number-plates were used and you were instructed together with Joe and Brian to remove the false number-plates from the bakkie and to remove the canopy so that one could not recognise the bakkie then. Is that so? -- It might have happened like that. As I am saying I cannot remember everything what had happened. (10)

It may have happened but you do not remember. -- I do not remember.

THE COMMISSION ADJOURNS FOR TEA. THE COMMISSION RESUMES AFTER TEA.

DAVID TSHIKALANGE, d.s.s.

FURTHER CROSS-EXAMINATION BY MR MARITZ: Now yesterday I gained the impression that you accepted the correctness of the information contained on the workcards. Do you still adhere to (20)  
that/...

K3.008 - 128 - TSHIKALANGE

that? -- On the workcards.

Yes, the worksheets. -- As I have told you I never worked with the documents. I do not know, I mean I did see them as you showed me of course.

According to the worksheet you arrived in Durban or at least you left Pretoria for Durban on 4 November 1981. Do you accept that as correct? -- It might have been like that, but as I have told you that I have never worked with the sheets, the worksheets. (30)

Well I can tell you that we looked at all the other worksheets

as well and I am not going to go into detail, but just about the whole group went down to Durban on 4, 5 and 6 November 1981 and more specifically I can tell you that ten members of the group went down on 4 November, one member being Mofohide who went down on the 5th and Jeff Bosigo who went down on the 6th. Would that be correct?-- It might be correct. As I am telling you, I cannot remember how, but whatever know we were all in Durban.

That is right. -- That is all.

And furthermore the worksheets show that the whole group went down to Durban together on 4 November except for those two, Bosigo  
(10)  
en Mofohide.

MR KUNY(?): Mr Chairman, it does not show that they went together. It shows that they went on the same day.

MR MARITZ: On the same day sorry. -- They went down on the same day?

Yes, would that be correct? -- It might be correct, except us. You mean except us, because we went there after, we got them there. It is me, Almond and Brian, we found them there as I have said yesterday.

That/...  
(20)

K3.030

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TSHIKALANGE

That is another difficulty I have, is that according to Dirk Coetzee's recollection, although I must say that it appears that he is not sure of it, but according to his re-collection, you and Brian were already in Durban and when he says he received the instructions to have Mxenge murdered, he said he could not do it without Joe and Nofemela and then they were sent down from Pretoria. -- Let me explain the way I explained to you yesterday, but I  
(30)  
remember we went down, it was me, Almond and Brian Ngqulunga and then I cannot remember whether Joe came later there with Schutte

or someone there. It seems like that as I have said yesterday.

Well yesterday you said that Joe came a week later. -- I did not say, but he came later. It is what I know, not a week or what, I cannot remember if it is a week later. As I have said it might be a week later or a few days.

My note reads that you said Joe arrived the following week. -- As I remember, I never said, I said it might be a week later or a few days later, that is what I am saying.

Now it is compounded by the fact that Nofemela says that all four of you, in other words himself, you, Brian Ngqulunga and Joe Mamasela drove down together in this beige Bakkie. -- Well (10) according how I remember, as I have said, that I remember that we went to Durban, it was me. I was on the farm when Schutte came and told us that we must be remember me and Brian. In the mean time Almond was in town or he was to the garage or in the office, somewhere there, as I have told you. Then we went down being three and then there is another woman whom they paid to pick her up at Erasmia. I do not know whether it was Almond's girl-friend or Brian's girl-friend. It is how I put it yesterday.

So/...  
(20)

K3.066

- 130 -

TSHIKALANGE

So what you are saying is that if Nofemela says that Joe went with the three of you then he was not telling the truth? -- Well, I cannot say anything about that. I am saying what I could remember.

Now incidentally in regard to Joe I have a note here of your evidence yesterday, is that when you came back from the college Joe had left the farm. Is that correct? -- No, he left the farm at the time when I came back. He left the farm around 1980, I never said when I came back he already left. I never said it like that. (30)

Well let me read my notes. My notes reads as follows:

"After Joe left" and then you said: "When I came back from college Jeff and Almond worked together."

-- Yes, they worked together.

So had Joe then already left the farm when you came back from the college? -- No, he was being there for a few times, but he left of course.

When did he leave? -- Pardon?

When did he leave? -- When did he leave?

Yes. -- If I am not mistaken 1982.

(10)

In 1982? -- Yes.

Was that after you came back from the college or some time after that? -- It is after when I came back from the college, he was still around and then he left.

Was he around for just a short while later? -- Yes, a short while.

A short while and then he left? -- Yes.

I see. Now you said that you read in the papers what Nofemela stated in his affidavit the day before he was to be executed. -- Yes.

(20)

Do/...

K3.098

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TSHIKALANGE

Do you remember that? -- Yes, according that he has killed a farmer and so. I read that yes.

Yes, what did you read in the newspaper? -- I mean is there anything to do with this case in fact, with this thing. I mean it was according what I heard that he had killed a farmer. I do not think that there is anything that I can do with ...

(intervenes)

(30)

CHAIRMAN: No, I think Mr Maritz asks you about what you read in the newspaper in October of last year about Almond? -- 1986?



No, 1989. -- 1989. Well I cannot remember the story, but it was according to murders.

MR MARITZ: But what did you read in the newspaper, if anything?

-- The same thing. I mean according that they murdered and what they were doing all the time and so on.

Which murder? -- In the police force.

Which murder? -- Possibly the murder of Griffith Mxenge.

I see and what did you do then after you read this news-paper report? -- I never done anything. I have stayed. I was waiting.

Did you just ignore it? -- Well I did ignore, but it started to pain me a lot of course, because I was also involved certainly in that problem. (10)

Did you do anything about it? -- Do anything about how?

After you have read the report in the newspaper about what Nofemela have said? -- I once phoned Dirk and said have you heard the news. That is all.

Where did you phone Dirk? -- I phoned from my home.

Did you phone him at his house? -- Yes.

And what did you say to him? -- I asked him have you

heard/...

(20)

K3.128

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TSHIKALANGE

heard about the news. That is all.

What did he say? -- He said no I did not hear the news and then he will look at the news around 20h00 and then I said he must phone me back if he heard the news. That is all.

Yes and what happened then? -- And then he later, after the news he phoned me and said yes, oh, I heard Almond's story and so on. He never talked so much about it.

Did anything else happened after that? -- Nothing else happened exactly. (30)

Nothing? -- Rather than that later on I have gone out in fact.

I am not talking about later on, I am talking about now. Nofemela had made these accusations involving yourself and Dirk Coetzee and you phoned one another up, but you do not talk about it at all? -- We do not ... (intervenes)

You did not talk about it did you? -- I have talked about it yesterday. I said and then I phoned him and then I asked him whether he have heard the news. That is all. I did say like that yesterday.

Yes, but excepting for that you spoke nothing else? -- That is what I am saying now. But I mean that is what I have said. (10)  
I am saying what I have said yesterday.

No, I am asking you whether or what your reaction was, what was Coetzee's reaction? What did you discuss with one another about the allegations of Nofemela? -- No, he just told me and then oh, I have heard of the problem. After all what happened later and I said then what is going to happen in fact, according this problem. One time he did or he is the one who phoned the office and then Van Dyk came and he said, he talked to Coetzee. He told me that they said at the office

at/... (20)

K3.158

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TSHIKALANGE

at our headquarters they do not know nothing. That is what I heard and then you must tell the guy on the other side he must say he does not know nothing if ever anything could happen.

Yes, but now look, this did not happen a long time ago, it happened apparently in October last year, not so? -- Yes, it is what I am telling you now.

I am trying to reconstruct. You phoned Dirk up and you say to him, did you see what Nofemela says about the murder in Durban. (30)  
He says no I have not seen anything, but I will look and call you back. Is that right? -- Yes.

And then he looks and he calls you back and he says okay now I have seen it and then you put the phone down? -- Yes, he said and then I have heard the story and then later, I mean I put the phone down. In fact there was nothing, there was no more discussion about it and then later on it happened that I did see him personally.

Where did you see him personally? -- In Pretoria.

When was that?-- It was in 1989, I cannot remember the month or the date of the time.

How long after the telephone discussion did you see him personally? -- After a short period. I cannot remember. Maybe it is a week or something like that. I cannot remember. (10)

Where did you see one another? -- I saw him in Pretoria.

Where in Pretoria? -- At his house.

Did you go to his house? -- Yes, I did go.

Or did he come and fetch you? -- No, I did go.

Why did you go to his house? -- No, I did go to him and then we was discussing about this thing you know. We said now why those people, I mean, if it is something, if ever they could consult us and so on. I mean we were no longer being in

(20)  
the/...

K3.184

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TSHIKALANGE

the police. In fact it might happen that they can put each and everything on us and said like that you know and then that is where it happened that Van Dyk came from the office, head-quarters, he was as I heard, from South West and then he came to Dirk and now he did not see me in fact. I was in the house. He was talking with Dirk outside and the missionary and then a certain, I cannot remember his name, it was a general or something. They were

taking that statement and everything and then they said - Van Dyk he said and then you must tell that chap, that other side, he did (30)

not know I am there in fact, that you must say he does not know anything.

So nobody came to your house to tell you that you must not say anything and you do not know anything? -- I am telling you what had happened. What I heard, not ... (intervenes)

CHAIRMAN: All Mr Maritz wants to know is did someone come to your house and to tell you to keep quiet? -- No, nobody came there.

MR MARITZ: Did anybody come to your work, at the place where you worked to say that to you? -- It is only Dirk who told me what they said and then you must keep quiet and so on.

(10)

CHAIRMAN: Yes, but that was at his own house? -- Yes.

MR MARITZ: Now on this day that you went to Dirk's house what were you discussing between the two of you, what were you talking about? -- Well I cannot remember or I mean we were discussing according the same thing.

CHAIRMAN: Yes, but just listen carefully. Did you discuss with him, did you have the newspaper report with you or did he have the report of what Nofemela had said? -- I cannot remember. I think I was having the newspaper as it depressed me and then ... (intervenes)

(20)

Did/...

K3.217

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TSHIKALANGE

Did you two read it together and see whether Nofemela is right or wrong on some things? -- I mean as, I mean according what he was mentioning, I mean according the killing of Mxenge, I mean I have seen that he is not wrong. He is talking what I know and so on.

Just listen: Did you and Dirk Coetzee discuss the newspaper report? -- We did. I mean we did see the newspaper. I mean each and everyone read for himself and then thereafter we just sit down and think what must we do.

(30)

Now what did you, now that is what Mr Maritz wants to know. Now you sit and think the two of you what to do and I suppose you then discussed with each other what you are to do, while you are thinking, you talk or do you sit and think without talking? -- What we discussed, we just sit and then we will see what will happen. In fact I go back to my job.

MR MARITZ: So after you sat there and thought about what you were going to do you did not come up with any answers at all. You did not discuss anything? -- No, we did not come up with any answer.

As a matter of fact you just went on with your life. You went back to work again? -- I went back to work. (10)

And nobody came and bothered you? -- Nobody ...?

Nobody came and bothered you? -- About what, you mean ... (intervenes)

About the murder. -- No that thing was worrying me of course.

But nobody came to your job or to your house to tell you not to say anything or to arrest you for murder? -- No, only what Dirk told me what Van Dyk said and nobody came again.

It does not appear if you were afraid at all or were you? (20)  
You/...

K3.246

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TSHIKALANGE

You did not become afraid after Nofemela made his revelations? -- Pardon?

You did not become afraid when you heard what Nofemela had to say? -- Well, he did worry me a lot.

Now did you discuss your worry with Dirk Coetzee at all? -- Well, I mean that is very difficult for me because, I mean, we were all worried of course, but I cannot remember what discussion did we make about it. (30)

Well can I try and ask you this then? What was it that

worried you? What were you worried about? -- What we were worrying about is that if ever this thing get hot. I mean the police, the police headquarters, it might happen that they will turn against us for getting that and then in the mean time we were doing that job for the police.

Were you afraid that you would be arrested? -- We thought so much if ever we get arrested and then there is no need if ever we were inside the country of course they will press is in order and then we cannot say it out all the things that had happened of course. We were working for the police in fact.

(10)

Despite your worry, it does not appear as if you did any-thing or did you? -- How do you mean when you say I did anything, what ..?

Did you do anything to stop your worrying or did you just sit and worry? -- Until I have gone out, that is all.

When did you go out? -- Last year, I cannot remember the month.

How did it come about that you went out? -- Well I just think, I mean if ever I could get people like an organisation like the ANC and then reveal all my consciousness, of course they will take me and listen to my story.

(20)

Yes/...

K3.285

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TSHIKALANGE

Yes, but how did you go about arranging it? -- I mean that, how did I arrange how to, I mean I do not think you mean that ... (intervenes)

CHAIRMAN: I do not hear you? -- I mean my arrangement how did I go out and then how, I mean, I am sorry I could not reveal that.

Who made the arrangement for you? -- You know, I did make arrangements, I just go out myself.

(30)

Well if you do not, must I accept - you say you went out by

yourself why do you say that you cannot reveal how you went out?  
-- Because I went out and I am going to other people looking for  
that people, for ANC and then thereafter they came another people  
who said and then they bring me to the organi-sation.

MR MARITZ: Where did you go out? -- I got through to Zimbabwe.

You went to Zimbabwe? -- Yes.

How did you go to Zimbabwe? -- Well I was saving my pass-ports.

Did you walk or did you drive by car or did you go by train  
and fly out ...? -- Taxi.

You took a taxi?-- Yes.

And did you come to this decision on your own? -- Yes, it  
came to my own. (10)

You did not talk to anybody? -- No.

Did Dirk Coetzee ever contact you, did he phone you or did  
he write you a letter? -- Well, I cannot remember. We use to phone  
each other all the time.

Was that after or can I put it to you this way: After Dirk  
Coetzee had left the country did he phone you from  
wherever/...

K3.314 - 138 - (20) TSHIKALANGE

wherever he was overseas? -- As I can remember he did phone me.

What did he say to you?-- No, he just said how are you and  
this.

Did he say to you ... (intervenés)

CHAIRMAN: I do not hear you? -- And then of course, I mean he  
said and then I must meet him, I will meet him in Zimbabwe. That  
is all.

MR MARITZ: Oh, I see. Did he ask you to come out and to leave  
the country? -- That was my decision before.

No, when Dirk Coetzee spoke to you on the telephone, did he  
ask you to come and join him outside? -- He said I must come and (30)

meet him, not that I must come and join him or anything like that.

But then you had already made your own decision? -- Yes, I already made my own decision.

Now how did Jacques Pauw(?) come into contact with you? -- This chap, I did know him, because he was a friend of Dirk... (intervenes)

Explain this to us please? -- He knows me because of that, he knows me.

How did you know he was a friend of Dirk? -- Sometimes while, because he used to come and work in Kyalami for part-time and then sometime we used to come together there. (10)

And did you know that he was a newspaper reporter? -- No, I did not know.

Do you know what he did, Jacques Pauw? -- No, I did not know.

But you knew him? -- I knew him.

Did you know that he had spoken to Dirk Coetzee before he/...

K3.342

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TSHIKALANGE

he spoke to you? -- No, I do not know that they had spoken together. (20)

CHAIRMAN: Now did he not tell you that he had spoken to Dirk Coetzee before he spoke to you? -- Pardon?

Did he not tell you that he had spoken to Coetzee, that he had a statement or information from Dirk Coetzee? -- I cannot remember.

But when he asked you questions, he told you what Dirk had said. He said Dirk says this what do you say, so you must have known that he had spoken to Dirk? -- In fact he did say about that and that he was talking to Dirk.

MR MARITZ: Did he tell you where he had spoken with Dirk? -- He never told me. He said he was with Dirk and then he never told me. (30)



But did he tell you where he had seen Dirk Coetzee? -- I mean I know he said that he had flied with Dirk, but I cannot remember telling me which place were he or that thing.

Now where did he make the arrangement to meet you at P.P. Rust?

CHAIRMAN: No, I do not think he met him there. He met him at (inaudible) on the Reef and took him to Kyalami and then took him or dropped him at ... (intervenues)

MR MARITZ: Did he drop you at P.P. Rust? -- Yes.

Now when you spoke to Jacques Pauw when he had the tape recorder, was that on the way to P.P. Rust or was that at some other time? -- No, that is that time while we were on our way to P.P. Rust. I was going to then to my - I was going to Umtata. (10)

And then from P.P. Rust what happened there? -- This is where he dropped me and he said he is in a hurry. There is a problem/...

K3.379

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TSHIKALANGE

problem that he must go back to the job, because his boss does not know where he is. (20)

I am afraid you are mumbling a bit I cannot hear what you are saying. Please speak up. -- I said it is where he dropped me turning back to Johannesburg in fact.

Now when he met you for the first time at Kyalami, what did he say to you? -- No look, what happened, I was on the way, I mean on the same day I was on the way home. I was suppose to take a bus somewhere else, what do they call that place, Oakmore or what, whatever the case may be, it is next to Tembisa somewhere there, which is going home on Tuesday, going to Venda. So it is that, I mean, Jacques Pauw came to me, he said I heard you are going home today and I said yes. No, he came before Tuesday, it was (30)

on Monday and then he said I heard you are going home and I said yes. He said I have been with Coetzee and then here is the story what, what and all that. I mean he wanted to know how we were working while we were in Vlakplaas working and so on.

Did he tell you at that time that Coetzee had made a full disclosure to him? In other words that Coetzee had told him everything that he knew? -- Of course he told me on the way he showed me that then that Coetzee had said this and this.

Did he show you a statement that was made by Coetzee? -- Yes.

A written statement? -- I think it was Almond's statement (10)  
or Coetzee's statement, I cannot remember that. I think it is Coetzee's statement he told me or showed me.

Did you ask him what his interest in the matter was? -- I mean he asked me, he wanted to know and I said then I cannot say what. You know I mean I was afraid to say these things.

So/...

K3.425

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TSHIKALANGE

So it happened, well I just tell him a little bit of what I know.

But for that matter he could have been a policeman, as far (20)  
as you knew? -- Well I mean, according how I knew him that he is a friend of Dirk, well that thing give me a lot of trouble of course.

I was only thinking I did not want to spoke each and everything because I thought it might happen that this chap he wanted to hear those things and once he published my life will be in danger of course.

So you knew that he was going to publish? -- Pardon?

You knew that he was going to publish? -- If ever this thing was published does not mean only to put in the newspaper. If I tell you something and then you tell somebody so it is also (30)  
publishing that.

So you were quite afraid of this being published? -- Of course

I was afraid, but, and I have seen those other things and then I said well let me talk and knowing I am going out in fact. I will not stay there.

And also you suspected that he may have been a policeman?

-- Who?

Jacques Pauw? -- No, not of being a policeman. I did not thought maybe he is - I mean I just thought maybe somebody who could have let me get in trouble or something like that.

Well so much the more the reason why you would have said to him, but look here Mr Pauw what have you got to do with this whole thing? -- Yes well, I did not have that reason of asking him this and this and so on. (10)

But I put it to you that you had every reason to ask him what he had to do with the whole matter. -- Pardon.

You had every reason to ask him what he had to do with the/...

K3.460

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TSHIKALANGE

the matter. -- Yes, but I mean on that time well I did not think the way you think now and then I did not think whether I must ask him this or this or this and this, you see. I did not think so much about those things. (20)

But if you were going to say nothing that was the obvious thing to do. If you say nothing not so? Look, you could have said to him, look Mr Pauw I do not know anything that you are talking about, leave me alone. -- Well I did not think on the way you think now.

CHAIRMAN: Yes, but you have said that Van Dyk had already, you have got the message from Van Dyk you should deny every-thing.

-- Yes.

Now here you come, here comes a person who you are somewhat afraid of and what counsel wants to know is why do you not deny (30)

everything? -- Well, I could ... (intervenes)

Didn't he say to you, let us make it simple, didn't he ...?  
-- I understand what you mean, but I did not have that decision  
that time.

Yes, but could I ask you this? Did he not tell you that Dirk  
Coetzee had given him a full statement or a full story and Dirk  
Coetzee had sent him to you? -- Pardon?

Did Pauw not say to you that Dirk Coetzee had given him a  
story and Dirk Coetzee then asked him to talk to you? -- Look when  
Dirk gave the story and everything, I mean he was also mentioning  
my name. It could either be when Jacques Pauw get that when Dirk  
made the statement and he revealed my name and then he wanted to  
know from me. It could either be like that. I mean not that he  
told me that Dirk have told me I must come to you of course and  
then what, what you know. (10)

Did he say to you that he will not publish anything  
before/...

K3.500

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TSHIKALANGE

before you are safely out of the country? -- No, he never said  
anything about publishing. He never told me that he is going  
to publish that thing. (20)

MR MARITZ: As a matter of fact according to you you did not even  
know that he was a newspaper reporter? -- Yes.

Did you know that? -- I did not know.

He did not tell you that either? -- I cannot remember whether  
he have told me. I cannot remember such a thing.

We know quite a bit about newspaper reporters, that is the  
very first thing they do, say to you look I am a newspaper reporter  
and what you are going to tell me I am going to report in the  
newspaper so you better be sure of your facts, otherwise they are  
at great risk, I can tell you that? -- Well, I am sorry for that. (30)

I mean I have never worked with newspaper people or maybe people from the newspaper. I mean the way Jacques Pauw approached me, he never told me what you are telling me know. Maybe I should have known that, well that he is a newspaper man if you are saying like that.

But what made you decide to talk to the man at all? -- What made me decide to - I mean I did feel that I must say it.

Why? -- That was my feeling of course.

Please explain it, because it runs accounted to everything you have been telling us. You were frightened out of your skull, (10) this man may have been a policeman, you were at risk, you did not know who he was and you did not know the purpose of his questioning.

Now why did you tell him anything then?

MR KUNY(?): Mr Chairman, with respect, the witness did not say that he thought he may have been a policeman and he did know who he was. He was a friend of Dirk Coetzee.

CHAIRMAN: /...

K3.534

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TSHIKALANGE

CHAIRMAN: Yes, but he said yesterday he thought he was a policeman. (20)

MR KUNY(?): Well this morning he made his position perfectly clear.

CHAIRMAN: Well, I was not quite sure what his position is.

MR KUNY(?): And he knew he was a friend of Dirk Coetzee's.

CHAIRMAN: The question, let me try and rephrase the question and that is, not being sure what Pauw was going to do with your statement or the tape why did you tell him everything or why did you tell him what you told him on the tape? -- Well, I mean I told him when he shows me that - you see not only that I am going to, I mean (30) I said to him look I do not feel like saying those things you know and then he said no, Dirk have told me that. I only want to know

a little bit of this story whether you know something about it and so on. So I mean I have told him a few things that I know about it, that is all.

Yes, but for which purpose? -- Which purpose, I mean as I have said even before that, he was a friend of Dirk and then being a friend of Dirk if ever Dirk had told him a story or maybe they are talking, being a friend of and I mean I am also a friend of Dirk, so I mean if there was something that he is hiding, that I do not know, that is something else, but that is what I know even myself and that is why I told him.

(10)

Could I ask you this. Is Paul van Dyk a friend of Dirk?

-- Yes.

If Paul van Dyk had come to you would you have given him the same story? -- Pardon?

If Paul van Dyk had asked you the same questions would you have given the same answers? -- Of course I should have told him the same story, if ever he wanted to know how was

these/...

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TSHIKALANGE

(20)

these things and so and what and then I should have told him.

You would have told Van Dyk? -- I should have told him.

MR MARITZ: And did you actually tell the story to help Dirk Coetzee? -- To help one?

Did you actually tell Jacques Pauw your story to help Coetzee?

-- Well I mean. I did not have that intention that I am helping him or whatever I am doing you know. I mean I was just telling him the story as, I mean he did have the story and then he wanted to know whether, I mean he wanted to, me to fulfil that story as my name was also appearing on the same place, the same paper and then I told him.

(30)

But why didn't you say to the man look, Dirk Coetzee is lying

I had nothing to do with it. That is plain and simple. -- Look and then there was no way out of saying he is lying whereas he was talking about the things I know.

But you lied to him in any case. -- I lied to him. I mean there is some of the things that I did not want to mention, not to lie, well I told him the right thing.

Jacques Pauw? -- Yes.

Did you tell him the right thing? -- There was some of the things, I mean, some of the things which I always, I did divert from it.

(10)  
CHAIRMAN: No but there is, are you saying that certain things you kept quiet about, but what you told him is the truth? -- Yes, it is the truth.

Is that what you are saying? The answer is yes.

MR MARITZ: Now can you still remember what you told Jacques Pauw? -- Sometime I cannot remember what is it?

CHAIRMAN: Yes, I think that is a very difficult and impossible question to answer, be specific.

MR MARITZ:/...

K3.625

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(20)  
TSHIKALANGE

MR MARITZ: Let me put it to you this way: Do you recall having said the following to Jacques Pauw ... (intervenes)

CHAIRMAN: Where are you reading?

MR MARITZ: I am reading from the newspaper the "Vrye Weekblad" of 24 November 1989.

CHAIRMAN: EXHIBIT B7.

MR MARITZ: B7. The heading of the article Mr Chairman is: "'n Askari vertel."

CHAIRMAN: That is B7.

(30)  
MR MARITZ: B7. In regard to the killing of the late Mr Mxenge Pauw reports you in quotation form as having said the following:

"Jesus, dit was net bloed, almal het net gesteek. Ek dink Joe en Almond het sy keel oopgesteek."

-- Look on that, as I have given my statement before the court, those things are some of the things that he, it was exaggerated or maybe misunderstood. I do not know. Even myself I do not prefer to go on with that thing. I mean some of the things which were being written which I have never said in fact.

CHAIRMAN: Yes, but what Mr Maritz wants to know is what those things are that you did not say and did you say to him: "Jesus dit was net bloed." -- Well, I cannot remember saying such thing. (10)

Did you say to him: "Almal het net gesteek?" -- I do not remember such thing.

Did you say: "Ek dink Joe en Almond het sy keel oopgesny?" -- I do not remember.

You see because the only problem I have is according to the tape recording you did say: "Almal het hom gesteek."

MR KUNY(?): /...

K3.693

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TSHIKALANGE

MR KUNY(?): Mr Chairman with respect to be fair to the witness, (20) he also indicated in that same tape recording that he had not participated.

CHAIRMAN: No-no, "Hulle almal het hom gesteek." Not he himself.

I did not say ... (intervenens)

MR KUNY(?): But the word "almal" seems to imply everybody who was there and he made it clear in the interview.

CHAIRMAN: No, sorry, I was referring on the basis of the written statement. In other words what the tape recording says is that all three the others did stab the deceased. That is according to your tape statement. Was that an exaggeration or was that something which you did not want to disclose or was it wrong or did you not say it or do you not want to answer the question? -- (30)



Pardon?

The question is the following: According to the tape recording you apparently told Jacques Pauw that all three the others did stab the deceased. -- Look as I have said there is somethings I did not want to include myself and I was always diverting from these things because I was afraid that if ever those things, I mean I did not, he just, I do not know what he is doing, maybe he can do something which might happen ... (intervenes)

I can understand that if you do not want to incriminate yourself, but the question then is and I will summarise what you have said to him on the tape. It seems as if you have told him that all three the others stabbed the deceased. -- I do not know how can I put it. As I have said and then I have already tried to give my statement in front of the court what I know so far as I know all my ... (intervenes) (10)

No Mr Tshikalange, I do not think it is that simple. You told/...

K3.743

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TSHIKALANGE

told Jacques Pauw, just accept this for a moment, that all three the other people stabbed the deceased. Was that the truth or was it not the truth? -- As I have told you ... (intervenes) (20)

You have told us two stabbed, not three. -- We were three. I mean because it was me, Joe and Almond who stabbed, except Brian.

But accept that according to the tape recording you also included Brian as someone who stabbed. -- I mean we are saying, it might have happened on another way, but I am trying to explain it. Three, meaning as I was not trying to include myself all the time when I talked and then I did not want to put me in trouble in the mean time. (30)

So you placed part of your blame onto Brian by implying that he did part of the stabbing? -- No, I did put it in such a way that we were only, I mean Brian also took part on that abduction in fact. The only thing is that he did not stab and then he was also holding a pistol, that is what I ... (inter-venes)

No, but you added him in the stabbing, that is the problem, that is my personal problem and I cannot understand and I do not think you have attempted to explain so far. -- Well I do not know, I mean, what I am explaining is what I am saying now.

And according to the report, I am not saying that is on the tape, you thought that Joe also was involved in slitting the deceased's throat. Now is that correct or is that in-correct? -- Look when I jumped one side and then I left them, I mean, Almond was holding what you call it and then Joe was still there. I mean what he was doing I cannot tell.

No/...

K3.799

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TSHIKALANGE

No, I appreciate that. The question is did you think in October, November last year that Joe also slit the deceased's throat. Not what you knew, but what you thought? Did you think that when you spoke to Pauw, or did you not think of it? (20)

-- You see I cannot remember. Some of the things how he put it and then, I mean, I was not the one who was writing. I mean that thing, when a person translated things, maybe he translated in a certain way. I cannot remember.

No, forget what is in the report. All I ask you is, did you at that stage, late last year think that Joe was also in-volved in the slitting of the throat? That is all I want to know. Did you think that? -- It might be like that. Of course, I left, I mean they were all there, they were all two there. When Almond was holding him, they were two there and then the only chap who (30)

was standing with a pistol, it was only Brian.

Must I accept that you say that the answer is yes. Yes, you did think that Joe was involved in the slitting of the throat or did you not think that? -- You see I mean, what they have done.

I think he might also be involved in the same things. I cannot say it whether it is straight or what, because I said and then I saw them when Almond was holding the knife on the throat and then I jumped one side and then they were there taking part in that thing.

MR MARITZ: Let us take just now, you spoke about trans-lations. (10)  
Now what I want to know is was there an interpreter during the discussion between you and Pauw? -- What interpreter?

Pardon? -- What interpreter?

I am asking you was there an interpreter when you spoke  
to/...

K3.872 - 150 - TSHIKALANGE  
to Pauw or not? -- Can I say something or reply to the question in fact?

CHAIRMAN: Yes, please?-- Look, I mean the way I speak Afrikaans (20)  
or the way I speak English is not the way Jacques speak in fact.

So what he have written there on the paper is not like the same, it is not the same as what I have said on that tape recorder.

No Mr Tshikalange, you understand that what the advocate wants to know, did you speak to Jacques Pauw in Afrikaans? -- I spoke to him in Afrikaans, yes.

You spoke only, there was not a third man who translated?  
-- Yes.

MR MARITZ: Now according to Pauw you said the following:  
"Met die moord op Mxenge was ek nog 'n studente konstabel."  
Did you say that to him? -- I was a student constable at that time. (30)

"En die junior lid van die groep." -- Of course.

You said that to him? -- I cannot remember. It can be like that. I mean that is what I know. I was a junior member of that group.

"Ek het nie veel vrae gevra nie en maar net saam met die ander geloop."

Did you say that to him? -- I might. I mean it is possible.

"Ek het geweet Dirk sou vir my sorg." In other words you knew that Dirk would look after you. -- I cannot remember saying that. I do not think I have said that. I have never said such a word.

(10)

K4. Then he says you said:

"Waar die opdragte van die eliminasië vandaan gekom het,

ek/...

K4.067

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TSHIKALANGE

ek kan nie vir jou sê nie."

Did you say that to him? -- Well as I am telling you I cannot remember whether I have said such a thing, but I cannot remember, just let us put it like that.

But anyhow it is the truth? -- What...?

(20)

It is the truth that you told him? -- Say it again?

Was that the truth that you told him? -- Read it again.

Do you want me to read it again?

CHAIRMAN: No, I think put it differently. Is it correct that you did not know where the instructions to eliminate came from? -- No, it is not the truth.

Was that not the truth? So you know where the instructions came from? -- Of course.

MR MARITZ: Where did the instructions come from? -- As I have told you yesterday and while we were standing there on the parking of the security then Joe and Almond go there and then they come back and then when I saw that photo of the late and then Van

(30)

Dyk was also standing there and Dirk Coetzee when he was saying that, he have got, I mean, as he was saying he got the what you call it from there. "By oom Wolfie" as they have said.

But according to Pauw you said: "Brian was die een wat dit by Dirk moes gaan haal het." These are the instructions, "en het dit dan weer vir ons aange-'pass'". -- Brian ...?

In other words what he says here is that you told him that Brian received the instructions from Dirk Coetzee and he told you what those instructions were, the rest of it. -- This things which you are reading there are some of the things which I totally do not know. It confuses me. (10)

You do not know whether you said that to Pauw? -- No,  
there/...

K4.095

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TSHIKALANGE

there is a lot of things that I really, I cannot remember those things.

Then you say according to him the following:

"So het Joe vir my vertel, as ek steek moet ek mes draai voor ek hom uittrek. So maak 'n mens die gat groter."

-- I do not remember saying such a thing. (20)

Did Joe ever teach you such a thing? -- I do not remember saying such a thing. When I say I do not remember such a thing, I do not think I have said Joe taught me these things. I cannot remember these things.

Well is it not the truth either or is it the truth?-- I mean according what I have said even before when you are reading those things there is a lot of things that will really confuse me because I do not know most of the things there.

Must we take it then that Joe never taught you to stab?  
-- No, I do not remember that Joe taught me. (30)

And he goes further, he says you told him:

"En as ek 'n keel moet afsny moet ek sny tot ek die been voel. Dan is iemand morsdood."

Did you tell him that? -- I do not remember.

Did Joe teach you such a thing?-- I do not remember if he taught me such a thing.

Then he also says the following:

"Ons was in Durban se omgewing toe ons opdrag kry om Mxenge te 'nail'".

In other words you were in Durban when you received the instructions to go out and murder Mxenge. Is that correct?

-- Yes, we were in Durban. I mean as we came out from Pretoria to Durban, I mean whenever we got that knife from, we never know, nobody did know, I mean myself I never know

whether/...

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TSHIKALANG

whether or who we are going to kill and then just - I mean received the what you call, the instruction while I was in Durban.

And in the report you also told him the following:

"Dirk het gesê ons moet die man beroof en sy goed vat."

Did you tell him that? -- No, I cannot remember telling him.

As I am telling, I mean, when you are continuing with this thing it is a matter of things that will just confuse me. I mean there are some of the things that I do not remember saying such things.

And then he continues and he quotes you:

"Brian was die leier van Mxenge se eliminasië."

Did you tell him that? -- I mean what I know is Brian was the only person who knows that and who knows that. They were moving all the places.

"Hy het gesê wat ons eerste moet doen en het self die honde gaan vergiftig."

Did you tell him that? -- No, I do not remember.

"En dit is ook hy wat die plan uitgedink het met die  
'jumper-leads' om Mxenge te stop."

Did you tell him that? -- Well I do not remember such things.

"Ek het Mxenge nie self gesteek nie." Did you tell him that?  
-- No of course, as I have said before, I have never told him that.

I did make a stabbing that I can remember, I never told him that  
I did stab, that is all.

And then you say:

"Ek was net 'n studente-konstabel. Die ander drie het hom keer  
op keer op keer gesteek."

(10)

Did you tell him that?-- Well, I do not remember.

According to the tape recording, the transcription we  
have/...

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TSHIKALANGE

have thereof, Pauw asked you: "Hoe is Mxenge doodgemaak?" and  
you said: "Ja, hulle het hom met die messe doodgesteek."

And then the transcript reads:

"Het jy gehelp steek." and you said: "Nee, ek het nie  
gehelp steek nie."

(20)

Now you can accept that you did say that because it is on tape.

What I do not understand is why implicate a man like Brian? --  
Why ...?

Look, it is all very well to say look I did not want to tell  
Pauw that I stabbed, but why did you tell Pauw that Brian stabbed?  
-- Look, I do not remember whether I said then Brian stabbed only  
and this one did not stab and then this one,

what, I mean as I am saying I think I have given my wholly statement  
now as you heard me. I mean you can hear me when I am talking

to you in the mean time. I have given my statement as far as I  
know. That thing of what he, I mean there is some of the things

(30)

that as I have said, that is not my statement in fact. I have

given my statement now in full how I have seen the things. What I can remember, I can remember as it was a long time ago and then I have said each and everything.

CHAIRMAN: No, but it is not that easy Mr Tshikalange. I understand what you say, but in the end you made a statement, we dealt with it earlier, you made a statement to the effect that Brian stabbed the deceased. Now you say today that is false. You said yesterday that it is false. Now the only question we want to know is why were you prepared to make a false statement last year about Brian stabbing the deceased? -- I do not remember saying Brian. Did I say it is Brian that stabbed ... (intervenes) (10)

You said "all of them." -- I just said all the parties did/...

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TSHIKALANGE

did that.

Yes, you said all of them stabbed. -- Well, I mean some of the things as I have said, according to those things, there is some of the things which I do not remember that I have said it.

It is not a question whether you remember you said it. Assume that you did say it. Then the question arises why you say it? (20)  
-- Why ...?

Why did you say it. It is not a question whether you can remember that you said it. Accept for a moment that that is what the tape recording said, then the question is why was it said?  
-- Well, I cannot remember, but maybe I did say it, but I mean cannot remember that I said it.

MR MARITZ: Well, let me return to the starting point of my questions in this regard and that is this, and I am still waiting for an answer, is why did you speak to Pauw at all? -- Why did I speak to Pauw? (30)

Yes. -- I mean as I am telling you that it is not a matter



of that, I mean like myself. Let us say you have got a friend.

Sometimes you can talk. There is a lot of things you can talk about him which is also a secret sometimes. I mean I did talk to him like a friend.

Did you think you were helping Dirk Coetzee by speaking to Pauw? -- Not like that. I mean I did talk to him just like a friend.

Did you think you were giving substance to Coetzee's story.

In other words corroborating Coetzee or if you say the same thing as Coetzee says, everybody will believe Coetzee? -- Look, as I have said and then I talked to him as a friend. There is nothing  
... (intervenes) (10)

CHAIRMAN: /...

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TSHIKALANGE

CHAIRMAN: You talked to Pauw as a friend? -- Yes, I mean as a friend.

MR MARITZ: Was he your friend? -- Well in fact when Coetzee, I mean I used to move, I mean while Coetzee was all the time, sometimes he used to be with Coetzee and then being three or more we used to move around.

You moved around with him, yes. -- To get, I mean he was kindly to me, he was not like, I mean an enemy in fact. (20)

You regarded him as your friend? -- Well, I took him as a friend.

But still you maintain that you do not know what he did? -- Pardon?

You maintain that you did not know what he did, that he was a newspaper reporter? -- No, I did not know whether he was a newspaper man, because I mean we never met each other in job. We always met each other when we are, maybe just like Kyalami, the racing ground and all so on. (30)

Now when Pauw was sitting next to you in the motor car driving

to P.P. Rust with a tape recorder there and asking you to speak louder so that your voice could get onto tape, did you ask him what are you going to do with this tape recording? -- If I am not mistaken, I did ask him and then he said no, he wanted to know, only then he will flush it out again.

He wants to do what? -- He told me that he wanted to hear only the thing and then he will take them out again.

CHAIRMAN: Flush them out, you said. Who would he flush out? -- As I have told you people I am not so good in English. I do not know, I mean to ... (intervenes)

(10)

What did he say in Afrikaans? What were his words in Afrikaans? Ons gaan hulle uitvee.-- Ons gaan hulle afvee, uitvee/...

K4.250

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TSHIKALANGE

uitvee.

Ons gaan hulle uitvee. -- Yes.

Wie gaan hulle uitvee? -- He said and then. Nee, hy gaan "fuckall", hy gaan niks doen met hierdie goed nie en dan hy gaan dit afvee. Dit is al.

(20)

Met ander woorde luister, kom ons praat nou maar Afrikaans hieroor, want hy het Afrikaans gepraat, het hy gesê hy gaan die band afvee. -- Afvee, ja.

So hy gaan nie die band gebruik nie? -- Ja.

So hy gaan nie vir hulle uithaal nie of hulle uitvee nie? -- Hy het gesê hy gaan hulle uitvee.

Die band? -- Die band afvee.

Dankie.

MR MARITZ: Did you tell him any other story?

CHAIRMAN: Mr Maritz please be specific. We will not finish if we ask vague questions.

(30)

MR MARITZ: Sorry. He says you further said to him the following:

"Ek was ook saam toe ons die "terries" in Botswana gaan blaas het.

Dit is toe Joe die "terry"-vrou deur die kop geskiet het. Jesus, hy het "gebrag" daaroor. Joe was lief vir doodmaak, maar daardie aand moes ek net die bakkie oppas waarmee ons oor die drade gery het. Ek het nie toe doodgemaak of geskiet nie."

Did you tell him that horrible story? -- Ek glo ek het soiets gesê, want ons - I mean I was talking the truth that we did go to Botswana and then do, for that things.

Why did you tell him that story? -- I mean I just, as I have told you even before, that like a friend, I have said that. I have talked to him as a friend. (10)

And/...

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And he says that you told him this story too:

"Ek was saam met daar met kaptein Jan Coetzee toe ons 'n man in 'n geel Peugeot gaan opblaas het. Chris Rorich het die bom onder die kar geplant. Jesus, daar was niks van daardie kar oor nie."

Did you tell him that story? -- I mean the way he put it, I mean whatever I know is that we did go to Swaziland to plant the bomb and that chap was, who they use to call "six finger" at Swaziland. (20)

Why did you tell him that story? -- I mean, I do not know for how many times should I tell you, because I have already answered you and then I told him as a friend, because he wanted to know.

CHAIRMAN: Yes Mr Maritz, I think you can ask other more fruitful questions.

MR MARITZ: And then there is a further one here that I just want to ask you about. You say: (30)

"Ek het eintlik maar met De Kock so rondom Pretoria rond-gery."

That is Eugene de Kock you are referring to:

"Wanneer hy saam met die Askari's uitgegaan het was ek nie saam  
nie."

Was that the truth? -- Can you read it again for me?

"Ek het eintlik maar met De Kock so rondom Pretoria  
rondgery. Wanneer hy saam met die Askari's uitgegaan het was  
ek nie saam nie."

Did you say that to him? -- No, I cannot remember such - I mean  
I know that I was Captain Eugene de Kock's driver all the time,  
but what - there are some of the things that I do not understand  
so much. In fact that I do not think I have said (10)

it/...

K4.314

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TSHIKALANGE

it or some or other.

He says you told him:

"Dit is in daardie tyd wat Joe skielik net weggeraak het. Ons het  
gewonder waar die man is, maar almal was maar te bang om te  
praat."

-- I do not remember such a thing.

(20)

And then you say:

"Ek het een aand so in 1983, 'n lyk in De Kock se kar gesien wat  
vir my bekend gelyk het."

-- Ek het nooit soiets gesê nie. I never said such a thing.

"Die man was in plasties toegedraai, maar daar was baie  
bloed aan sy kop."

-- I do not know this story.

You never told him such a thing? -- No.

Did you perhaps have more than one interview with Jacques  
Pauw? -- I do not remember. I mean I only talked to him the time  
while I was going to Venda to my home. That is the only time I  
talked to him. Further on I do not remember saying something to (30)

him.

Mr Chairman would it be convenient to take the luncheon adjournment now.

THE COMMISSION ADJOURNS FOR LUNCH. THE COMMISSION RESUMES AFTER LUNCH.

DAVID TSHIKALANGE, still under oath:

FURTHER CROSS-EXAMINATION BY MR MARITZ: Before the luncheon adjournment you told the commission on more than one occasion that you spoke to Jacques Pauw as a friend and because he was your friend.

Is that correct? -- Yes, I said and then as a friend.

(10)

CHAIRMAN: Yes, I think as a friend.

MR MARITZ:/...

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TSHIKALANGE

MR MARITZ: Yes, as a friend and you also said he was your friend indeed, not so? You regarded him as your friend? -- Yes, I mean of course most of the time he use to visit at Kyalami and sometimes we use to go with him to Dirk's house.

Was there any reason why you spoke to him ro was that the real reason? -- that was the real reason. (20)

Now the difficulty I have is that yesterday afternoon or yesterday morning you offered quite a different explanation. You offered an explanation that Jacques Pauw forced or brought pressure to bear on you or coerced you in some way or another to speak. -- Yes of course, I mean he wanted to explain, but I did not want to explain, he said no he is not going to do anything with these things on me. As I have said, you see there is some of the things I mean, before I continue. You sometimes understand me the other way around. I mean if I could talk my own language it would be better, because I can see there are some of the things and then you continue asking me one thing, it shows then that there is a (30)

misunderstanding sometimes.

But what we know now is that he did not force you to speak to him in anyway whatsoever, did he? -- Well, as I have said he enforced me to say it, because I did not want to tell him. He said no man, do not worry he is not going to do anything with this, as I have said I was afraid to say something to him because I did not trust him or maybe I can be in trouble and all that.

Now according to the transcript you said and I will read it to you, the question was:

"Hoe is Mxenge doodgemaak?"

And you replied: "Ja, hulle het hom met messe doodgesteek." (10)

Question/...

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TSHIKALANGE

Question: "Het jy gehelp steek?" You answered: "Nee, ek het nie gehelp steek nie."

Question: "Maar jy het gesien hoe hulle hom steek." Answer:

"Ja, maar ek het voor die tyd weggeloop, want ek moes weggaan met die bakkie."

Was that in fact so? -- Look, it might happen that I have said like that as I have told you yesterday that I was not prepared to talk to him because I was afraid of him. (20)

So when you told that to him, you are saying now that you told him a lie? -- Pardon?

You are saying now when you said that, you told him a lie? -- I mean as I, I do not know whether you understand how I say it.

CHAIRMAN: I think the witness said he was afraid that is why he said it.

MR MARITZ: Now up to the stage when you were appointed a student constable did you then do work as a labourer on Vlakplaas? -- Look after being appointed as a student constable then I was working (30)

like a policeman in fact. I was working with those other policemen.

But before you were appointed as student constable, did you then work as a labourer on the farm? -- As I have said I was making food for those, Colonel Victor and other whites who used to come to the farm.

And you also wore civilian clothes, you did not wear a uniform? -- Even after the school, after the college I did not wear a uniform I was always wearing civilians.

Now yesterday you told the commission about Joe Pillay. -- (10)  
Yes.

And you said that you guarded Pillay at Lothair? -- I  
never/...

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never said I guarded him to Lothair. I mean there was a military base. I cannot remember what do they call it, the name of that place and then I guarded him, I think, for two days after that and then we have taken him, it was me and Schutte and then he was being what you call that ... (inter-venes) (20)

Handcuffs. -- He was handcuffed with me until Lothair when we left him there.

Now I think the place that you are referring to are the old Observatory in Voortrekkerhoogte. Is that where you guarded him? -- As I am saying I do not remember the name of that place, but there were some other things on top. It is on top of a hill in fact.

Yes and were you the only guard guarding Joe Pillay? -- Mostly it was me.

It was you? -- Yes.

And did you have a rifle or a side-arm or anything to guard him with? -- He was being handcuffed and being blindfolded. (30)

Did you have a gun? -- No, I was just having a "knopkierie".

And you say that you and Koos Schutte then took him to Lothair where you left him? -- Yes.

In whose custody did you leave him at Lothair? -- We left him at the police station where they said they will throw him on the other side.

Do you recall when that happened? -- Pardon.

Do you recall when that happened? -- Do I recall?

When that happened, when that occurred? -- I took him in 1981.

But/...

(10)

K5.108

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TSHIKALANGE

But when in 1981 or don't you know? -- I cannot remember the month and the date.

Now you had nothing to do with the capture of Pillay at all, did you? -- Well it is what you are saying. I mean, whatever I know is that I did guard him and then he was captured and then I guarded him. All the things we were doing, like killing Mxenge, we were doing it for the police force, we were not doing it on our own. (20)

No, but the question is this: Did you have anything to do with the kidnapping of Joe Pillay or didn't you? -- I do not understand what do you mean?

CHAIRMAN: Did you go to Swaziland to fetch Pillay? -- No, I did not go. I only went to fetch those other guys later who had been arrested in Swaziland.

MR MARITZ: Who did you go and fetch in Swaziland? -- If I could remember, I see, it was Petrus Kgoadi ... (intervenes)

CHAIRMAN: Just a moment, who did you fetch in Swaziland? -- Petrus Kgoadi. (30)

What is it, I cannot catch the surname, Kwadi?



MR MARITZ: Kgoadi, K-g-o-a-d-i.

CHAIRMAN: Yes and the other one? -- The other one was Thabo.

Thabo. -- I cannot remember these other Mocambiquan guys.  
It was, the other it was Adriaan Bambo.

But that was at a later stage? -- Pardon?

That was later, that was after 1981? -- No, it is the same year.

MR MARIZ: Whom did you go with to go and fetch them? -- I go with Almond.

You and Almond fetched them? -- Yes.

How did you go about fetching them? -- We go and wait for  
them/... (10)

K5.150

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TSHIKALANGE

them there in Oschhoek. They were being, they have been delivered by the police of the Swazi to this other side of the border.

CHAIRMAN: So what happened, the Swazi police handed them over to you at Oschhoek at the border post? -- Yes.

MR MARITZ: You see I have the greater difficulty with this story of yours because according to the evidence which will be placed before the Commission at a later stage, Joe Pillay was in fact abducted from Swaziland on 19 February 1981. As a matter of fact he made a statement to that effect. He made a statement on 26 February 1981 in which he says in paragraph 9 of that statement, that is Joe Pillay, that he was abducted on the evening of 19 February 1981. You would not be able to say yes or no on that?-- Pardon. (20)

Well you cannot say whether that date is correct or not? -- As I have said and then I do not remember the date, but I can remember the year was 1981.

Yes, now I am putting it to you that he was abducted on 19 February 1981. I want to put it to you further that he was (30)

released and returned to Swaziland on 10 March 1981. Can you say anything about that? -- I mean, I cannot say, I mean of course he was handed back the same year, 1981. As I have said, I cannot remember the date and the day, but it was 1981.

But the point is this, I put it to you this morning that you became a student constable on 18 March 1981. -- As I have told you it was in 1981, but I cannot remember the day and the date.

I have told you such a thing.

But the point is this. If Joe Pillay was released on 10 March 1981 and you were only appointed a student constable eight days later, in other words on 18 March 1981, how would

it/...

K5.195

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TSHIKALANGE

it have come about that you guarded the man? -- Well I cannot remember whether I was a student constable that time or what, but this is what I know.

But your evidence was that when you were still a labourer you remained at Vlakplaas and cooked. -- Yes.

You weren't in a position to do guard duty when you were a labourer. -- As I am telling you I do not remember, but whatever I know is that then I was there in that place and then I still remember taking him back with Schutte. If it was before, I cannot remember that, as I am telling you.

Well I want to put it to you that your story is absurd. You would not have been used as a guard when you are a labourer. -- Well if you say my story is absurd, but I mean I am telling you what I know and then I was there and then I am just trying to explain the way I know the thing. That is all.

The other explanation of course is that you are telling a story that you heard, but which you know nothing about? -- Not heard. I mean how could I know that that man was there on that

military base and what and then I have seen him and then how could he be handcuffed with me if I have never seen him?

Well, the only deduction I can made from your evidence is that you are not telling the truth and I want to put it to you that you are not telling the truth. -- I am telling you the truth.

I mean how can you prove that that I am not telling you the truth as I am doing?

Now let us get to Joe Bosigo, no Joe Mamasela, sorry. Do you know that Joe Mamasela only became a policeman on 4 February 1982? -- Yes, I know he became a policeman later on. I know that. (10)  
They appointed him as a policeman at a later stage whereas he was already working.

Once/...

K5.234

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TSHIKALANGE

Once again the evidence by Joe and Colonel Coetzee, Ja Coetzee, would be that Joe Mamasela was not employed at Vlakplaas at all before his appointment in February 1982. -- Could I say something about that?

Yes. -- Look those people, I mean even those Askari's when they come to Vlakplaas they never get appointed as a policeman (20) in the mean time. They work there maybe for six months it depends, but they get paid as an S.Q. They get paid just like Joe Mamasela, he was also getting R200 and then he was holding a gun all the time. He was having a Tokarev which he used to move around with it and then having a letter for that gun. In fact, if ever he could come across some other people.

Did you ever read the letter? -- I did, but I cannot remember what was written there, but I have seen the letter.

Did he have a letter to say I am a police informer, please (30) let me pass or something to that effect? -- I cannot remember what was written there, but I know it was containing the gun which he

used to have.

A Tokarev? -- Yes.

Because you see in 1981 Joe Mamasela was an informer of the police and he was handled by Colonel Coetzee in Krugersdorp and in Soweto in 1981. He had nothing to do with Vlakplaas. -- I mean I have told you that Joe came to - well coming from Soweto and then he came to Vlakplaas. There is a time that he came and stayed there with his wife and child, being afraid perhaps some people wanted to kill him or something like that.

He stayed there in Vlakplaas.

(10)

Well Joe Mamasela and Colonel Coetzee will also deny that. They will say that that is not so. -- Well I mean of course/...

K5.273

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TSHIKALANGE

course, I mean they are still of course in stead of putting them in trouble they will deny it of course, but it is what they know of course. That is what they know.

Mr Chairman, bear with me one moment please. I want to put it to you further that the evidence by Joe Mamasela will be that during 1984 and 1985 he was Brigadier Cronje's driver at Vlakplaas. (20)

Is that so? -- Well you say I cannot remember that thing, because he used to go away and then he comes back. He might be telling the truth. He never go with his group in fact.

And he says that he was at Vlakplaas until November 1985 when he was transferred to Security Headquarters in Pretoria. -- That might be. I cannot remember when he, because he moved away and then he came back and then, I cannot remember.

If that is so I do not understand your evidence earlier on that Joe Mamasela left Vlakplaas shortly after he returned from college in April 1982. -- You see that I can remember whether I have said that date he left 1982 and then saying in that year I (30)

did say that I was not quite sure whether it is 1982 or what.

I have said like that. I am not quite sure, because I do not remember.

Well I put it to you in any event that the evidence of Joe Mamasela, if he is called upon to testify will be that he had absolutely nothing to do with the murder of Griffith Mxenge or anybody else for that matter. -- Well, I mean of course he should have said like that, but the fact remain that he was there. I do not think that he will agree that he was also, he did participate on that thing, I do not think so, but the fact remain that he was there. (10)

I/...

K5.318

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TSHIKALANGE

I want to put it to you further that if called upon to do so, Brian Ngqulunga will testify that he had absolutely nothing to do with the murder of Griffith Mxenge and that the horror story that you have been telling here is totally false.

-- Well I am also sure of course. They cannot say that they have done this or this, but the fact remain we were prisoned with them. (20)

I mean we could be, if Almond have said, mentioned all four of us then he should have mentioned somebody else, other than to mention those four people the way I am mentioning them you see.

I have been a long time without Almond in jail and so on. I mean although even if he is mad, he cannot say David, Joe, Brian and himself you know. I mean it is very difficult.

Now what was your reason for testifying under oath and admitting to your part in the murder of Mxenge? -- Look as I did feel, I mean all along it came to me that I feel that guilty conscience. I did feel that guilty conscience, so it happened to me that I must go and testify this thing somewhere else to make my heart clean, because you see I was always worried all the time. (30)

If that is the case why did you run away from South Africa then? -- Look I ran away from South Africa why, because I did know, just like what you are doing now, I mean if ever I testified there I know myself, I cannot lie, if ever I came to the court as they have said that and then you must not say anything. It is very difficult for me to tell lies you know. So even if I testified the truth it will come to a point that then the police will say no, we do not know such a thing and then they will put each and everything to me and then I will never talk the truth.

CHAIRMAN: /...  
(10)

K5.362

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TSHIKALANGE

CHAIRMAN: I do not think I understand what you say. Will you please repeat what you have said? -- Could I repeat it?

Yes. -- I said I run away because I thought if ever this thing could come to a certain point whereas they have told us I had company, I must just be quiet and then nothing, we must just say we do not know. But it come to my point that I did have that guilty conscience. I did feel of course that I must found somewhere else where I can reveal this thing, maybe I will feel  
(20)  
alright you know. So thinking that also again if ever and I no myself, I do not know how to speak lies you know, so if I will reveal this thing there of course either the police will say no, we do not know, just like they are doing now, saying Joe Mamasela does not know and then this one does not know whereas those people were participating on that thing. So they can either say no we do not know and after all then I will end up in jail myself.

MR MARITZ: What would you land up in jail for? -- Pardon.

What would you land up in jail for? -- I do not know how must I explain. It seems we do not understand each other.

VOORSITTER: Kan ons Afrikaans probeer. Waarvoor sal jy tronk toe gaan? -- Ek meen ek het by die polisie gewerk. Al hierdie  
(30)

dinge ek het nie Mxenge geken nie. Ek meen ek het niks om te doen met hom, dit is maar die polisie wat gesê het ons moet Mxenge doodmaak. Toe op die laaste kyk, ek sit alleen soos voor die tyd hulle wou baie dinge gemaak het, soos skielik hulle wou my Oshakati toe gestuur het. Ek meen daar is baie dinge wat gebeur het eintlik wat ek weet presies en dan daar was iets agter my.

So as die ding uitgekom het toe het ek gesien en ek sê nee, hierdie ding, ek kan nie leuens vertel myself nie. As hulle my by die hof, want by daardie

koerant/...  
(10)

K5.406

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TSHIKALANGE

koerant hulle het my naam genoem en alles so en as hulle my by die dinges, by die hof miskien kan roep ek sal moet maar praat en al hoe daar was nogiets wat hulle sê ek mag nie praat nie en so aan. So toe voel ek, want ek het altyd hierdie ding, dit was altyd iets wat my pla by my hart, so toe voel ek dit is beter dat ek maar uitgaan en loop by ander mense by wie hulle my probleme kan verstaan.

MNR. MARITZ: Mnr. Tshikalange, u praat baie en u sê niks. Ek wil weer vir u vra, was die rede dat u weggehardloop het uit Suid-Afrika was dat u bang gewees het dat u aangekla gaan word van die moord op Griffith Mxenge? -- Ja, ek meen, u sien, soos ek gesê het, ek weet nie hoe moet ek dan, miskien moet ek dan my eie taal praat, miskien sal julle dan vir my verstaan, want ek ... (tussenbei) (20)

VOORSITTER: Nee, ek verstaan jou probleem. Al wat ek jou vra is, jy verstaan as die advokaat vir jou vra was jy bang gewees jy word aangekla op die moord, op 'n moordklagte? -- Ja, ek was ook bang daarvan.

MNR. MARITZ: Was dit die rede hoekom u weggehardloop het? --Dit is ook een van die redes. (30)

Was daar ook ander redes? -- Ander redes soos ek gesê het, ek het toe gedink, ek meen ek dink altyd, mense dink altyd vorentoe.

Dit kan gebeur: Die polisie as die ding dan so warm is, dan hulle sê nee, kyk hulle ken nie van die ding nie.

VOORSITTER: Kan ek vir u so vra: Met ander woorde aan die een kant u was bang gewees dat hulle miskien vir jou aankla en aan die anderkant jy het geglo hulle kan ....? -- Die meeste probleme wat my altyd gepla het, al die tyd, ek meen daardie ding het my gepla van lank af.

En/...

(10)

K5.444

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TSHIKALANGE

En dan was jy ook bang gewees dat die polisie nie die saak sal ondersoek nie? -- Ekskuus?

Dit klink vir my of jy bang was dat die polisie nie die saak sou ondersoek nie, dat hulle sal sê dit het nie gebeur nie. -- Hierdie ding ek sê nie weer vir die polisie, want ek meen ek het altyd gedink hier in die "judicial inquiry" dit kan uitkom ek dink ons moet maar, ek meen ons moet maar die waarheid praat, ek kan nie leuens praat nie. Dit is wat ek daarvan gedink het.

(20)

Thank you Mr Maritz. I think carry on to the next point.

MR MARITZ: Thank you Mr Chairman. Now you say that at one stage you were afraid that the police were going to kill you, that was when you wer still a policeman? -- Of course, I mean whatever used to happen, maybe if ever you can say something, I mean I was already attacked in fact, a victim.

Why were you a victim? -- The first time that I ran away to Swaziland then I had learned that they had wanted to kill me and then anyhow they punish me for, they said and then they are punishing me for six months in Vlakplaas, I must not go out.

(30)

So at a short while and then I was with .... (intervenens)

No wait a minute, I am going to stop you, because everytime



you try telling a story, you tell the story right through, but just hang on, just answer the question. What was the form of the punishment at Vlakplaas? -- From the punishment?

How were you punished at Vlakplaas, this punishment that you are talking about what did it consist of? -- They said I must not go outside Vlakplaas, not outside the yard, I must be inside the yard. I must not go to Erasmia or to town or

something/...

K5.479

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TSHIKALANGE

(10)

something like that.

Was there anybody that was guarding you? -- Well there, there were people there but I do not know whether they were guarding me, but they told me that I must not go out.

CHAIRMAN: But the question was, you ran away to Swaziland for that time because you were afraid you would be killed, because you were involved with an accident of a state vehicle. Now have you ever heard of someone being killed because he was in-volved in an accident with a state vehicle, because I do not think there will be any civil servants in South Africa. -- I mean I am talking  
(20)  
about Vlakplaas myself. I am not talking about .... (intervenes)

Now who was killed at Vlakplaas because he smashed a car or drove a car whilst under the influence? -- There were people being beaten and doing ... (intervenes)

I ask you who were killed at Vlakplaas because he drove a car into a tree under the influence? -- I mean there is people whom I know they did disappear from Vlakplaas.

Because they drove vehicles without permission. -- I mean not like that. I mean not that they drove a car or ... (intervenes)

But that is why you ran away because you thought you would  
(30)  
disappear because the car was driven into a tree? -- I mean I did run away of course and then at the (inaudible) I mean what

I have seen already and then it shows me of course something could happen.

MR MARIZ: But in any event, you were apparently kept at Vlakplaas for two months then and then your punishment was over? -- It was over, but now it seems as if they wanted to make me to (inaudible) me, because at a certain stage without

knowing/...

K5.515

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TSHIKALANGE

knowing anything then I am transferred to Oshakati.

(10)

What is wrong with that? -- What is wrong with that?

You are a policeman, you are subject to transfers and you knew that the day you became a policeman? -- But now the way it came it did not satisfy me.

But there is no suggestion whatsoever that they wanted to get rid of you by sending you to Oshakati. -- Look I was already hurt. I mean the day when I came out from Swaziland, when the police of Swaziland brought me out, they were in fact ready to, they wanted to kill me.

But the fact of the matter is that you were kept on in the police until in 1985, weren't you? -- I mean things could happen that just make you to get, what I call, I mean forget some of the other things. I mean as I have been working with those people for a long time and I know how they are, so, I mean it is very difficult for me to explain to you because you have never worked with them. I know how it work there in fact.

CHAIRMAN: But I imagine if a security policeman runs away the police will always go for him. -- Pardon?

If a security policeman runs away to another country the police will always be worried for what his reasons are or his reasons were? -- Of course, in the mean time like if I run away, as I run away, I mean they are worried why of course. I mean

(30)

whatever I know is that being in the security they do not want you to reveal whatever you are doing that isn't right.

That is why they do not want you to run away. -- But now what is the use that sometimes they get killed.

Sometimes? -- Yes.

MR MARITZ: In any event after your convictions for drunken driving/...

K5.559 - 174 - TSHIKALANGE

driving you were then given the opportunity of buying yourself out of the police, not so? -- What? (10)

After your convictions on drunken driving, you were then given the opportunity of buying yourself out of the police which you did on 25 June 1985. -- Being given the opportunity to ....?

To buy yourself out. You paid R50 or something to leave the police. -- I was, look after being absent on duty then they let me not go out anymore. I have been brought there being a prisoner to the police station when they enforced me that I had to buy my discharge.

Yes, but the reason was that you were useless. You were a useless policeman. -- Well you see it like that ... (intervenes) (20)

Your records shows it. -- Well seeing it like that, I mean there are many policemen who are used to, I mean in Vlak-plaas there are many, I mean the Colonel and what they fuck up the cars and being drunk and all that jazz and then why are they not useless.

And then on top of that, after you took your discharge from the police in June 1985 you were left to your own devices until the end of 1989, last year, for four-and-a-half years, you were left alone? -- Yes.

Nobody threatened you, not so? -- Yes.

So where is this nonsense about wanting - somebody wanting to kill you in the police because you were some kind of a threat (30)

or another? -- I mean when did this happen. It happened, I mean now I was not telling anything, I was only on my own side. I do not know whether there was somebody who was surveilling me or whatever the case may be, I was alone. So

I/...

K5.598

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TSHIKALANGE

I cannot say that I was free or whatever the case may be. I was not free because in fact I did know that I have done a lot for the police going to do all those things for the police. At long last then I am a useless person. (10)

Well in any case I want to put it to you that these stories of yours of having been threatened with death and all this nonsense is a figment of your imagination. You are dreaming these stories up. -- I mean you were not working there. I mean I was working there.

You are dreaming that up to. There is nothing sinister about Vlakplaas and there never has been, not so? -- The way you said it, I do not know, it is yours, but I am trying to say what I know.

Now this affair with the Audi there in Port Elizabeth can you just tell us who went along to steel that car? -- No, we go there, it was me, Thabo, Almond, Dirk, Captain Dirk and another white man, a warrant-sergeant from Port Elizabeth. (20)

You, Thabo, Almond, Dirk and another white man. -- I cannot remember whether this was warrant-sergeant somebody.

Joe wasn't there?-- No, Joe wasn't.

Are you sure? -- I think I am definitely sure that he was not there.

And Paul van Dyk he wasn't there either? -- I do not think so. I mean the way I could remember is those people who I have mentioned. (30)

Now Dirk Coetzee also tells a story about this, B3(a) Mr

Chairman, at page 126, that it was he and Almond that went and stole that car. He does not say that you were there. -- Well maybe he forgot to include me. I was there.

Or maybe it is a story that you heard from Dirk Coetzee?

-- It/...

K5.670

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TSHIKALANGE

-- It is not a story that I heard. That Audi I can tell you is an Audi 80, a small Audi, those small Audi's. I mean I was there when they took that car.

(10)

Incidentally, after you left South Africa did you team up with Dirk Coetzee in ...? -- I have seen him at one time.

Where did you go and stay after you left the country? -- That is, I mean I cannot tell you where did I go and stay.

Why can't you tell me that? -- I mean that is, I mean even now when I go out I never told anybody that I am going out.

CHAIRMAN: No, but I think what the advocate wants to know is did you stay with Dirk or did you not stay with him?-- No, I did not stay with him.

No, you didn't? -- No.

(20)

But in any case you say that if Dirk leaves you out of the Audi story, he is totally wrong? -- He had forgotten that I was also there.

MR MARITZ: Now this red and white Combi that you spoke of that you saw on Vlakplaas.

CHAIRMAN: The what, the Combi?

MR MARITZ: The red and white Combi. Was it a red Combi? -- Yes.

A red Combi? -- Red and white if I am not mistaken.

Pardon?

CHAIRMAN: He says it is red and white.

(30)

MR MARITZ: Red and white Combi? -- Yes.

You saw the Combi at Vlakplaas? -- Yes, I did.

Now what about it? Was there anything about this Combi that you recall? -- Well, I mean what I have said, I have seen it and then I heard they had taken it from other people and

then/...

K5.714

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TSHIKALANGE

then there was what, what and then it was in Vlakplaas when they took out the what you call, I was also there when they are taking out the booster and the radio and then they took it away. That is all.

(10)

And the number-plate of that Combi can you remember anything about that? -- I cannot remember it, but it is a Cape number.

Well can you remember any letters or numbers on that plate? -- I cannot remember it so much, but I mean I saw it and then I was being there also when they, I mean Sergeant Schutte busy taking the booster out.

Yes, I know, but I am saying to you do you remember any letter or number on that number-plate? -- I cannot remember.

Can you remember why you thought it was a Cape car? -- No, it was like that. I mean if I could remember there was a C-number there if I am not mistaken, a C-number.

(20)

A C-number? -- Yes, if I am not mistaken.

Anything else? Just a C-number? -- Another number again. I cannot remember as I am telling you the C was there.

Can I just return to the, in any event you do not know what happened to that Combi? -- Well I know that they took it away and then it have been sold. It is just like that and then I never heard anything again.

It is also a story you heard? Were you told the story? -- I mean when they took it away, they took it away, Almond was driving it if I am not mistaken. I do not know with whom was he and then Sergeant Schutte then said "hulle gaan hom verkoop." They told

(30)

me that.

Did they tell you too that the Combi was sold in Swazi-land or don't you remember that? -- No, I cannot remember.

Now/...

K5.797

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TSHIKALANGE

Now this R1 000 that you were suppose to have received, where did you receive the R1 000? -- R1 000?

Yes. -- Dirk was, I mean just like when Dirk gave us and then he said he is coming from the office.

Is that al he said? -- Yes, he said and then he said, well he told me then "hulle het hom "uitgechannel" van Suidwes, wat, wat en so aan." I cannot remember the story. Well I was not so interested about it. (10)

You were not interested? -- Pardon.

You were not interested in the story? -- I mean the way he talk he said Brigadier Du Preez het hom "uitgechannel" by Koevoet en so wat, wat. I mean I cannot explain the way he did explain it, but then I was not so interested about it in fact. I was only interested in the money which he gave me. (20)

Did Coetzee say to you why you are getting the money?-- Yes, he said and then you are getting that money, I mean from the office, because of the job that we have done and that.

But I thought you were a policeman and you received a salary for doing these jobs? -- Look I mean, although, could I explain something concerning that what you have to say now?

Yes, please do.-- Look I mean in Vlakplaas the way they work in fact there. I mean in the mean time for ourself for this thing killing Mxenge they never promised us money or something. I wandered later when I saw the money and then secondly there are some of the things maybe when those people, the Askari's when they see their other friends they get more pay for that thing, I mean (30)

for a person that he has seen. I mean that is what I know.

But was any reason offered by Dirk Coetzee or anybody else why you received this R1 000 for this job? -- I mean he

is/...

K5.863

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TSHIKALANGE

is the one who told us that they are getting that money for the mission that we have done there in Durban, but in the mean time before the time he never promised us money or tell us about the money, but later on he said they have given him

R3 000 and then they never paid him of course he never stabbed or something like that you know and then he gave us, he gave us R1 000, R1 000. It was for, I mean where can he get that money.

(10)

Was that the only time that you received money? -- This money which we used to get for S & T and the pay we used to get.

CHAIRMAN: But did you get other such bonuses? Was this the only bonus you got? -- It seems that thing have happened. I mean I never get, I never, I mean I do not think another bonus I did receive.

MR MARITZ: Well once again, I want to put it to you that your evidence in regard to this R1 000 is so vague, because it is equally nonsense as the rest of your story. It is not true. -- Well as I have told you, I have even deposited a car with that R1 000.

(20)

I have told you and of course that is what had happened. I am telling you what I did receive. I mean I did receive that R1 000.

CHAIRMAN: Could I just ask you this about the R1 000. Did you tell Pauw that:

"Ons het die R1 000 gekry om seker te maak ons bly stil."

-- Die ...?

Luister: "Ons het die R1 000 gekry om seker te maak ons bly stil." -- Vir wie het ek hom gesê?

(30)

Vir Pauw? -- Ek kan nie onthou nie.



Was dit reg? Het julle die R1 000 gekry om seker te maak  
dat/...

K5.927

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TSHIKALANGE

dat julle stilbly? -- I do not remember whether I have said such a thing.

The question I want to know is even if you did not say it, did you receive the R1 000 to make sure that you kept quiet or did you get it for, as you said, for the work done? -- As I am saying we did receive that money for the work we done.

(10)

Yes. -- That is right.

MR MARITZ: For that matter you could not have received the money to keep you quiet, could you? -- I mean I am saying I do not remember whether I have said that that we did receive money to close our mouths. I mean we received the money as Dirk said later. He said and then it is the money for the job which we have done and ...  
(intervenes)

But irrespective of whether you said so or not to whomso-ever, does not matter. Was it a case that you were paid to keep your mouth shut about the murder? -- You mean what I can think now why  
did they pay us.

(20)

No what you were told. -- I mean I am telling you that we received that money for what I remember he said and for the job we have done.

CHAIRMAN: Yes Mr Maritz go on.

MR MARITZ: You also said that when you returned to C.R. Swart police station after the murder you all took your clothes off or you changed your clothes and you all gave your clothes to Dirk Coetzee? -- Yes, he took all our clothes.

Did he take Brian's clothes as well? -- Yes, all four of us,  
if I could remember.

(30)

Why did he do that? -- Well I mean, I do not know. I mean

they are the people as we, all the time when we go out or

are/...

K6.087

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TSHIKALANGE

are working, even Vlakplaas people, I mean I am working under the command of the whites. I do not know why he was doing it.

Didn't he tell you why he was doing it? -- I do not remember him telling why he was doing it.

And then after a month or so he gave your clothes back? --  
Yes, he did. (10)

I find that particularly strange as well, because even on a silly little point like this Nofemela and Coetzee do not back you up. They tell totally different stories. -- Well look, I am telling what I could remember, because, I mean what I have seen.

I mean that thing happened in my presence. What have happened in my presence what I could remember, I am trying to explain it to you.

Now when Coetzee says that he took as far as he could remember your shoes only, then he is not telling the truth? -- I mean that  
is what Coetzee said. I mean I am telling that he took, I was  
having a shirt and a jean and tekkies. I know that he took it. (20)

And if Nofemela told us that he merely went and changed his clothes, because his clothes were blooded, then he would also not have been telling the truth? -- I will not say he is not telling the truth or what, but I do not remember as those things happened a very long time ago.

Did you ever say to Jacques Pauw, I want to read to you what is contained in the newspaper report, this little piece has been read to you now already:

"Ons het R1 000 gekry om seker te maak ons bly stil, maar  
toe ons daarna op die plaas kom het almal geweet ons het Mxenge (30)

gesteek."

Did/...

K6.119

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TSHIKALANGE

Did you tell Jacques Pauw that? -- I mean as I have told you this thing in the newspaper, some of the things I do not know I have such things. I never said such a thing or I cannot remember saying such a thing.

Well whether you said so or not, was it the case that everybody at Vlakplaas knew that you have murdered Mxenge? -- I mean look, (10)  
I mean according how I know how do we work there or how we used to work, I mean we were working, this other group which is going to do this and this is sometimes when we are sitting together maybe we talk, but usually we do not used to talk.

Well here you go further according to Pauw, Pauw says you told him:

"Joe het "gebrag" daaroor toe hy dronk was."

-- No, I mean, I do not know of such things.

And Joe was he a man who drank a lot? -- Ekskuus?

Joe Mamasela was he a man who drank a lot? -- Drink?

Yes. (20)

CHAIRMAN: Did he drink?

MR MARITZ: Did he drink? -- I never said such a thing.

Pardon? -- No, I never said such a thing.

But I am asking you was Joe a man who drank? -- He was a man who bragged in fact. He used to brag too much.

CHAIRMAN: No, did he drink too much? -- Drinking, no, he did not drink.

MR MARITZ: Mr Chairman I am virtually finished, may I ask your indulgence for a short adjournment please. (30)

THE COMMISSION ADJOURNS. THE COMMISSION RESUMES.

DAVID TSHIKALANGE, still under oath:

FURTHER CROSS-EXAMINATION BY MR MARITZ: Look earlier on in  
regard/...

K6.144 - 183 - TSHIKALANGE

to Joe Pillay you said that all you had to do with that instance was that you guarded Joe Pillay for a day or two. Is that correct?  
-- That is correct.

Now yesterday you told a rather involved story about how he was interrogated. He was beaten and he was injected with some substance or another. Do you remember having told the Commission that yesterday? -- I said and then he was detained there when he was being interrogated. (10)

And you also said there were military people involved? -- There were army people, I mean they were wearing army clothes, this military ....?

Now you did not see this did you, this interrogation you spoke of, you did not see that? -- I do not understand if you say I did not see it. I mean that is what I am saying, I was there when they beat him and he was being interrogated.

And except for being beaten was he interrogated in any other manner? -- Only mentioned, I only know he was being beaten and then (inaudible) (20)

Did you actually see this happening? -- Yes, I saw it.

When you were guarding him? -- Yes.

This is not something which you were told by somebody else?  
-- No, not told. I mean I was being with him as I have told you that I have been with him two, I think it might be two, one day or two as I have said until when he left that place and then he was taken to Schutte's house, he was being with me, being handcuffed with me until we took him to Lothair. (30)

Were you handcuffed to this man Pillay? -- Yes.

During all the time that you guarded him? -- No, while I was

being there, then I was not, the time while he was there I

was/...

K6.183

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TSHIKALANGE

was not handcuffed with him. He was blindfolded and being banged with those things.

Then when were you handcuffed with him? -- When we left that place, because he firstly go to Schutte's house. I cannot remember whether we slept there and then we go the following morning to Lothair. That time he was always hand-cuffed with me.

(10)

You do not recall that he was injected with something? -- I never said such thing.

You never said that? -- I never said that he was injected.

And you do not recall anything of the sort either? -- Too?

You do not recall anything of the sort either? You do not recall ... (intervenes)

CHAIRMAN: Do you remember that he was injected? -- No I never said such thing.

MR MARITZ: Okay, well I must put it to you that you had abso-lutely nothing to do with the Joe Pillay aspect. -- Should I answer?

(20)

Yes. -- I mean I have nothing to do with Pillay, I mean in the mean time I was there. I mean if I was having nothing to do with him then they should not have handcuffed him with me and then tell me to take him to Lothair, I mean just like that.

Now another thing that bothers me somewhat is that when one reads the transcript of the interview which was taped, which Jacques Pauw had with you, one gains the impression that there was someone else with you in the car, was there? -- Someone like what? I mean we were only two.

There/...

(30)

There was nobody else with you? -- No.

Are you sure of that? -- I am sure of that.

In the last instance Mr Tshikalange I want to put it to you that the murder of the late Mr Mxenge was not committed by you and the other three colleagues that you have mentioned or anybody attached to the police at all. The police had nothing to do with that. -- I mean, what I am telling you, I mean, we have, I mean we were working for the police. We never knew Mxenge and of course then, according all those things which used to have happened in fact, I mean, we were working for the police and then we are the one who committed that murder and it is all that we did do and after all then we received money from the police again. (10)

I further want to put it to you that the police have absolutely no record of the incident that you spoke of namely the vehicles that you burned of a farmer near Port Elizabeth.

CHAIRMAN: He said Barkley West, Barkley East.

MR MARITZ: Barkley East. -- Well I mean I do not know nothing about it, but I mean I am talking what had happened in fact, what I know that it happened. That the police does not have a record of it and what and then they said they had nothing to do with it. (20)

You see what bothers me is that if a man's vehicle is burned out in the manner that you had spoken of surely he would have complained to the police about it, he would have lodged a complaint. -- Well I do not know what had happened with it, but that vehicle was being burned, have been burnt.

And also in the case of the theft of the red Combi. We do not have a record of it, the police, can you explain that? -- I mean I do not know, I know that the Combi was

there/... (30)

there. I mean it was being stolen and then it had been taken, a booster and a radio in the farm.

MR ROBERTS: Sorry Mr Chairman, Roberts here. There is a document which has not been handed in as an exhibit yet, which is a police computer print out for the complaint of the Trade Unionist Combi stolen from the Johannesburg Hotel in, I think it was August 1981. I am not exactly sure of the month.

MR MARITZ: Thank you Mr Chairman I stand corrected. In any case if this Combi was stolen I want to put it to you that the South African Police had absolutely nothing to do with it. It may be that a policeman stole it, but not as a functionary of the police. (10)

CHAIRMAN: Well I do not think the witness said something about that. Anything from your side Mr Visser?

CROSS-EXAMINATION BY MR VISSER: Mr Tshikalange we heard you saying today "like killing Mxenge we were doing it for the police force" and we also heard you saying today: "Die polisie het gesê ek moet Mxenge doodmaak." And you also said you have done a lot for the police and just now you said that you received money from the police? -- Yes.

What I would like to know from you is, if you would tell us, why do you say that you killed Mxenge for the police, for the police force I should put it? -- Of course that was the security job in fact, because as we were working we received this instruction which Dirk said and then they said in the office like this and this and this. (20)

Am I understanding you correctly to say that the reason why you say that the killing of Mxenge was done for the police force, was because of what Captain Dirk Coetzee told you? -- Yes, as he has said that they said then he have this money

which/... (30)

which is ... (intervenes)

We will come to the money in a moment, can we just deal with one issue at a time. Is the only reason why you say that the killing of Mxenge was done for the police force is a fact that Captain Dirk Coetzee told you so? -- Yes.

Now let us get to the money. Do you know from your own knowledge where that money came from, if you ever received it?

Let us assume you received it. -- Well yes, as he told us it is coming from ... (intervenes)

No-no, do you know from your own knowledge Mr Tshikalange, (10)  
the question is quite simple? -- Yes, I know.

Well please tell us? Tell us? -- The money he said and then he said it is from the office.

No-no, not what Dirk Coetzee told you, from your own knowledge, do you know?

CHAIRMAN: Mr Tshikalange, the question is apart from what Coetzee told you, do you know anything else about where the money came from? -- Yes, it is coming from the office.

Yes, but Coetzee told you that? -- Look there was S & T which I mean we do not get straight from the office. They are the one (20)  
who are giving us, the Commander who is working with us. So it is from the office.

MR VISSER: Thank you Mr Chairman. So that you actually think part of this money was for S & T is that what you are saying? -- As it have been explained that it is for the job we have done from Durban ... (intervenes)

CHAIRMAN: I do not think the witness imply that it was part of the S & T.

MR VISSER: Yes, I just wanted to make sure about that. Again, can I then sum up this piece of your evidence by saying (30)  
that/...



that the reason why you tell this commission the R1 000 which you say you received, came from the South African Police was because of what Captain Dirk Coetzee told you, that is the reason? -- The reason is that I mean, we were waiting for the police all the time and then I mean, even the S & T it was always from the police.

Let me try to put the question simply to you.

CHAIRMAN: I think his evidence is clear Mr Visser.

MR VISSER: Did you sign for the money? -- I do not remember whether I did sign. I cannot remember whether I did sign or something like that, I cannot remember. (10)

When you heard that the red and white Combi had been stolen, incidentally, who told you the car was stolen? -- I mean Almond and Sergeant Schutte, I mean we were talking, dis-cussing we were there when they were busy taking out the radio and the booster.

Did that shock you? -- Pardon?

Did that shock you that your fellow police officers have stolen a car? -- Well it never shocked me so much as I know it is a usual job which is always been done.

CHAIRMAN: But how many cars did they steal while you were at Vlakplaas? -- Look there were cars being burnt, so it is not ... (20)  
(intervenes)

No, just listen, in 1981 how many cars have been stolen at Vlakplaas by the police? -- No, I mean I do not know, I do not know about another cars.

You do not have other cars. So you cannot say it did not shock you because they stole cars? -- I mean they did not shock me when they talked about that. I mean it was not a thing that can shock me in fact when they talk about it.

Your/... (30)

Your shockability is not that important, please carry on.  
MR VISSER: May it please you Mr Chairman. Mr Chairman  
un-fortunately I have to ask another question about this, because  
I am leading up to a point here. Isn't it true Mr Tshikalange  
that a policeman is suppose to be the upholder of law and order?  
-- It is true they are the upholders of the law, but fact remain  
that there is a lot of things that they are doing of course which  
is also out of the law.

Yes, the point is this, didn't you receive any monies from  
the sale of stolen vehicles as a cut as it were, you were one of  
the, a leader of the squad? -- No, I never received money for that  
stolen vehicle. (10)

Well, what about this R1 000 that you said you received from  
Captain Dirk Coetzee, wasn't that part of such a deal? -- No, I  
received that money which was from the office as he told me.

I see. Did you receive any other monies for successfully  
completing missions as you have said?

CHAIRMAN: I think he has already said no. -- No.

MR VISSER: I did not hear that answer. Mr Tsikalange in the last  
instance I want to ask you this, why precisely - you have started  
giving your explanations, but we are not sure we understand you. (20)

Why precisely do you say are you revealing all these facts at  
the present time to this Commission of these missions and horrible  
things that you have done with your squad, what is your motivation?  
-- As I have said even before, I feel I was having that guilty  
conscience and then I did feel that ever I could go somewhere else  
and then where I could reveal everything, because it was in fact  
giving me a lot of trouble on my own, by myself.

And/...

conscience is that right? -- Yes, I feel better, although I know something could happen now any time.

The point is this, if you felt this way, why didn't you, as a policeman go to the police in South Africa and explained to them what you have been involved in? -- Well, it was very difficult for me as I have mentioned that these many things that have happened that lead me to a certain decision while I was there, I mean just like, as soon as possible and then I must go to Oshakati that thing when they brought me back and then people were angry, I was being locked in the jail and then they wanted to kill me and then of course, there was no reason that I could go to them and say something. (10)

You did not trust the South African Police, is that what you are saying? -- I did not trust them.

You see because that is the peculiar thing about your evidence, I want to give you the opportunity to explain it if you can. If you are to be believed, you were taken into the confidence of at least the security police of South Africa to go and murder people, to steal and burn cars, to kidnap people and to do the most horrible things, you understand what I am saying? -- Yes. (20)

That is the extent of the trust which you want us to believe the South African Police placed in you. My question to you is this, wouldn't it be fool-hardy for the police to do all these things to you, arrest you on assault, take you to court, having you found guilty, arresting you and convicting you on drunken driving twice, forcing you into buying a dis-charge, transferring you to, I am not necessarily mentioning this in chronological order, transferring you to Oshakati in

circumstances/...

(30)

circumstances where you do not like it, punishing you at Vlak-plaas, allowing colonels to mess up motor cars and do nothing to them, but when you do, they want to kill you, do you expect that from the South African Police to fit in with your story of how you were the police hit squad in South Africa? -- Sorry, I do understand that and that, I am not so (intervenes)

CHAIRMAN: I think what the advocate says is this: You were a dangerous man for the police because you had all this knowledge. -- I was a dangerous man for the police?

Yes, I mean if you talk you could give them problems. -- I  
(10)  
mean for talking things out?

Yes, by talking out about 1984. You knew so much about what they did and you had a conscience that worried you, you could have caused them a lot of trouble. -- Well, it might be like that, that is why they wanted to send me to Oshakati and things like that.

That is why he says if they know you are dangerous they would look after you, they will not send you to Oshakati and make you angry. -- No, it does not - I mean the way they have done it they did not show that they are, I mean looking after me nicely. I mean if ever ... (intervenes)

(20)  
No, but what the advocate says, they did not look nicely after you. He says: But if you were such a dangerous man to them they would have looked nicely after you. -- Well, I do not know. I mean how could I say they could look after me alright while because I mean there is a certain stage that, I mean on Tuesday and then on Thursday I am going to Oshakati, transferred permanent, for what good reason. I mean without, if ever they were people who were looking after me, they should have sit down, we have to sit down and discuss this.

Look/...  
(30)

Look you are going to learn something, you are going to do something. I mean according, as I have told them even before, if you did say this and then I am going to learn something also, but just quickly and then you must go to Oshakati permanent and then work on security and then for what good reason now to work with other people who talk another language there, Ovambo's and so on.

Mr Visser, I do not think the debate will take us any further.

MR VISSER: I understand Mr Chairman. May I just round off this point with a last submission or question. I am just putting it to you that it is a matter to be noted that not only in your own case did you apparently fall out of favour with the police. The same happened with Captain Dirk Coetzee, who was put through a disciplinary investigation at the end of his career and Nofemela was in fact sentenced to death for a murder which he committed. (10)

You know about that and what I am going to put is this: The three of you have a grudge against the South Africa Police for obvious reasons and that is why you are spilling these stories. -- Pardon?

The three of you have a grudge against the South African Police and that is why you are coming up with these stories. -- I do not understand it, we have got what against ...? (20)

A grudge? -- A grudge.

You feel unhappy about the way the police have treated you. -- There are no grudges. I mean there is, look I have been working with the police there. There is many things which, there is people who used to shoot some other people and then they took them to Durban. Like Bobby was not in jail.

In/...

you call it. If ever there was any favour for that then they should have sit down and talked with me and said look this and this. I am not against them in fact.

It is just strange that you did not tell Mr Pauw all this which you have just told the Commission, but let us go on to something else quickly. I want to put to you that there was nothing secretive about Vlakplaas at any stage since it is an inception to this point.

CHAIRMAN: Well, I do not think the witness said something. Did he say it was secretive or sinister?

MR VISSER: Well Mr Chairman, with respect, he says that they ran a hit squad there. (10)

CHAIRMAN: Yes, I cannot recall he ever used the term.

MR VISSER: It is in EXHIBIT B5 before you.

CHAIRMAN: But he has not said it under oath today or yesterday.

MR VISSER: Then I leave that point and I do not believe I have anything else if you would bear with me for a second. I have no further questions, thank you for your indulgence Mr Chairman.

CROSS-EXAMINATION BY MR BURGER: Just one or two questions. Mr Tshikalange if I understand you correctly Joe Pillay was kidnapped by the South African Police. Is that correct? -- Yes. (20)

And he was also interrogated by the South African Police?  
-- Yes and military.

He was not interrogated by the South African Defence Force or members of the South African Defence Force? --

Pardon?/...

K6.523

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TSHIKALANGE

Pardon?

I say Mr Pillay was not interrogated by members of the South African Defence Force, the military people you were talking about, they were not interrogating? -- Look, I mean according what I have (30)

said, I mean he was being abducted by the police, the Vlakplaas hit squad and then the police and then in the mean time he were being put to the military place and then there were also military people who were ... (inter-venes)

Well you expect military people to be present on a military base? -- Pardon?

You expect military people at a military base, don't you? -- As I have said there are some of the things that we do not understand.

CHAIRMAN: No, the question is this: What did the military people do to Pillay? -- There were two guys their who were in-terrogating him, although I do not know there names, they were wearing military .... (intervenes) (10)

Did they interrogate Pillay? -- Yes.

MR BURGER: What did they do to Mr Pillay? -- As I have said then they were beating him and kicking him.

Were the military people beating Mr Pillay and kicking Mr Pillay? -- Well, I do not know, it is what I have seen which was happening.

I am asking you did the military people beat and kick Mr Pillay? -- Yes, I mean that is what I have seen there. (20)

What do you think? -- Not think I say what I have seen there.

How many people were beating and kicking Mr Pillay? -- If I am not mistaken there were four or five somewhere around there/...

K6.556

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TSHIKALANGE

there.

Four or five? -- Yes.

And the other three I suppose were policemen? You say two were military people. -- Yes. (30)

What did the policemen do to him? -- The same thing I have

told you, I mean beating him, taking him to a certain room and then bring him back again there. What they were doing there in the other room I do not know and then they bring him out and so.

Was he beaten in the other room? -- He was beaten here where I was sitting with him and then they also took him again to a certain room, but that I do not know what had happened there and then they came out with him again.

And what did the military people want from Mr Pillay? -- I do not know. I mean they were asking a lot of things. I cannot remember what it was.

Just give me one example what the military people wanted to know? -- I still remember they talked about the University of Swaziland. (10)

I am talking about the military people now, not the police, what the military people wanted to know? -- I mean they were on the same group of that police, I mean ... (inter-venes)

Yes, but what did the military people say Mr Tshikalange? -- Well I cannot remember. There were a lot of things which were being discussed there. I cannot remember and then I was not so interested about it.

And did both members of the South African Defence Force beat Mr Pillay? -- It is four people who mostly beat him. (20)

And the one who did not beat him was he a policeman or a defence/...

K6.589

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TSHIKALANGE

defence force member? -- He was also, I mean those other policemen, there is two military and the other two policemen I did not know them. They were policemen, but I did not know them. They were in private clothes and then there again there was Captain Koekemoer who was also there. (30)

And what were the names of the defence force members? -- I



do not know them. I mean it was the first time to see them in fact.

And how many days were Mr Pillay kept there? -- As I have said it, it might be one day or two days, I cannot remember as this thing had happened a long time ago.

And you never heard the names of the defence force members? -- It was the first time when I, I mean to meet them, I cannot remember.

Where exactly did this take place, this interrogation? -- I said it is a military place on top of a hill on the way to Johannesburg. (10)

How far from Pretoria? -- Well, it is not so far away.

Is it outside Pretoria? -- If I am not mistaken ...

(intervenes)

CHAIRMAN: Didn't, wasn't it put by Mr Maritz that it was at the old Observatory at Voortrekkerhoogte?

MR BURGER: Mr Chairman, the problem is the old Observatory is not at Voortrekkerhoogte.

CHAIRMAN: I beg you pardon?

MR BURGER: The Observatory is not at Voortrekkerhoogte. How far (20) was it from Pretoria Mr Tshikalange? -- It was next to, what do you call that place, I cannot recall the name of the place, but it was on top of a hill there.

You know Pretoria and you know Johannesburg? -- Not so much/...

K6.630 - 196 - TSHIKALANGE  
much as a person, a bona fide of Johannesburg or Pretoria. I am not a bona fide of Pretoria.

All I want to know from you is how far approximately from (30) Pretoria is this military place? -- I said it was on the way to Johannesburg.

CHAIRMAN: Yes, now could I ask you, do you take the Jan Smuts Road or do you take the Ben Schoeman Road or do you take the old Johannesburg Road? -- What I can say, I mean from Pretoria B ... (intervenes)

Pretoria? -- Big station going straight on the way to Johannesburg, this Unisa is if I am not mistaken and then on this side, on the right.

On the right of the road you pass Unisa. -- And then the next bridge.

So that is not what I know as the Observatory in Pretoria, because that is to the left. In any rate now ...? (10)

MR BURGER: And on the right-hand side, I put it to you, the only defence force members on the right-hand side is, just a moment please Mr Chairman - the Air Force, did they wear blue uniforms? -- It was a little bit brown, although I am not so good in colour also, it was a little bit brown. I am not good in colours.

I am putting it to you Mr Tshikalange, the only military base on the right-hand side of the road going past Unisa is the Air Force. -- Well it might be, as I have told you I cannot recall the name of that place. I know the place, it is on top of a hill. (20)

Now there is no Observatory there. -- I mean that is what you are saying, but what I know is that place is on top of a hill.

And/...

K6.679

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TSHIKALANGE

And you spend two days at least at this military base? -- As I have said I am not sure whether it is one day or two days. I have said like that.

But were you the only guard? -- Well, there was also military people also there. But now the person who was sitting with him, who was being with him, was me. (30)

Mr Chairman it is now 16h00.

CHAIRMAN: Are you finished or not?

MR BURGER: I am not sure.

CHAIRMAN: Do you want to find out it was on the right-hand side of the road, because there are many hills to the right.

THE COMMISSION ADJOURNS.

---oOo---

THE COMMISSION RESUMES ON 25 APRIL 1990

CHAIRMAN: Mr. Pretorius?

MR PRETORIUS: Thank you Mr Chairman. Mr. Tshikalange you gave evidence, can you see where I am sitting? -- I don't understand what you say.

Here, I am sitting over here. -- Yes.

I am asking you questions now, can you see? -- Yes.

You gave evidence about burning of cars and you mentioned Barkly East, do you remember that evidence? -- Yes. (10)

And you mentioned a farm, do you remember that? -- Yes.

Now, was the farm at Barkly East or did you travel out of Barkly East to get there? -- As I have said and then we travelled out Barkly East but it is nearby Barkly East.

And you mentioned that there was a white sergeant there who came from Barkly East, do you remember that? -- Yes.

Was he a security policeman? -- He was a security policeman, yes.

Can you remember his name? -- I can't remember his name.

And was he there for the whole operation? -- He was there (20) for the whole operation, we burnt the car and then we moved together after the burning of the cars.

Could you describe this person? -- He was a tall man and then he was wearing some safari suit, short safari suit.

The blue Audi, you gave evidence about the stealing of the blue Audi, do you remember that? -- Yes.

You said you went out to a certain location? -- Yes.

Can you remember how far from Port Elizabeth you travelled to get to that location? -- It was a distance, I can't say how many kilos. (30)

One kilometre, 20 kilometres? -- No it was more than

that/...

that if I could remember.

CHAIRMAN: Was it more than one or more than 20? -- More than one, as I said.

MR PRETORIUS: More than 10? -- You see I'll be telling lies, you know I can't remember, I mean as I didn't check.

But it was some distance, was it? -- Yes it is a distance yes.

Right and you mentioned there was a white man from Port Elizabeth with you and you mentioned a policeman and a security policeman. I presume you were referring to the same person there? (10)

-- From PE?

Yes, who accompanied you on that operation? -- Yes it is another one from PE, not the one whom we go with him to on that side of Barkly East, that one was from PE.

Now this was another person, was he also a security policeman? -- He was also a security person.

Can you remember his rank? -- I am not sure of his rank, whether he is a warrant-officer or a sergeant.

And was he also there for the whole operation? -- He was also there for the whole operation. (20)

Did he accompany you until the point where you disposed of the car? -- He accompanied us till to the place where, to a certain police station where they put that car in the garage so I learn later on that they burn it next to the bridge.

Now at that police station where you left the car, did you encounter other security policemen there? -- I can't remember.

There was some other white people, but I can't remember who they are.

That's at the police station? -- Yes.

Right now, on the way there do you remember travelling (30)

near/...

near or past any expanse of water? -- Yes there is another place where we did go, the sea water, where we did go and we were playing there, in fact, me and (?), we also took photos there on that place.

CHAIRMAN: No, but what Mr Pretorius wants to know is, with this stolen car did you drive along the sea, next to the sea, or can't you remember? -- I can't remember, it was during the night in fact.

It was in the night? -- It was during the night.

MR PRETORIUS: Do you remember travelling over a bridge over some water? -- Yes it was a bridge but not a bridge which have got water, (10)  
I think what we call it a tunnel like.

Now, was this common that when you performed your operations local policemen or policemen from the area where you were, were also involved with you? -- Pardon.

Did it happen often that when you went out on operations, whether they were legal or illegal operations, policemen from the area, local policemen, were with you? -- Of course for all those two operation on the Eastern Cape and then we were always having, being with one of the security policeman of that area.

Did this happen in other places as well? -- Well I can't (20)  
remember according how we used to, some of the things used to happen but always you find that there is a person from that branch.

Now, in Durban you gave evidence that the number-plates of Mxenge's Audi were changed? -- Yes.

And you mentioned that that happened in front of the C R Swart square. -- Yes.

Was any attempt made, when the number-plates were  
changed/...

(30)  
changed to hide the Audi so that nobody could see the changing of the number-plates? -- Of course, I mean when they changed it

and then they, it was attempt that if ever they drove it, as they drove it to Piet Retief's side, nobody will know the real number of that car.

Yes, I think I must put my question again. Let me put it this way. You said that the changing of the number plates took place in front of C R Swart square building? -- Yes.

If a policeman had driven out of the building at the time they were being changed, would he have seen what was going on? -- Yes he should have seen.

Do you remember you gave evidence about a red and white Combi? (10)  
-- Yes.

That you saw at Vlakplaas? -- Yes.

You said too that senior officers used to visit the farm from time to time? -- Yes.

Now, where was this Combi parked? -- It was parked, I mean on a public place in a garage which is not closed.

So it was in the open? -- Yes open.

If an officer had come onto the farm at the time that the Combi was there he would have been able to see the Combi? -- Yes of course.

And just one small detail, was it a radio or a radio-tape? (20)  
-- They took a booster.

Right? -- And a radio, I can't remember whether it's a radio-tape or a radio.

And the booster I presume is a separate piece, but it is part of the sound system? -- Yes.

You also gave evidence about a mission into Botswana and you mentioned that you went to a place near Zeerust, do you remember/...

K1.08 - 203 - (30)  
remember that? -- Yes. TSHIKALANGE

You said you got to a farm and then you mentioned certain names. -- Yes.

Do you know whether people had been to that place at Zeerust before you, concerning this particular Botswana mission? -- You mean I know what? I can't .....

You say you got there to the farm, that was your evidence? -- Yes.

And then you mentioned some names? -- Yes.

Were there people who had been there before you, to Zeerust, to that place in Zeerust? -- I mean when we came there they were already there. (10)

They were already there? -- Yes.

CHAIRMAN: But who were we? -- I mean, Captain Koos Vermeulen, Captain Dirk Coetzee, Jan Coetzee and another, I think he was a lieutenant or a captain from Zeerust, they were there, we found them there of course, sitting around the fire there.

Just a moment. You said when we came they were there? -- Yes.

Now, who came, who was with you? -- It was me, Joe and Almond, we came there. (20)

Was that the only time that you went to that place at Zeerust? -- It was my first time to come to that place.

Did you ever go again there? -- No I can't remember whether I have gone there again.

MR PRETORIUS: Right now you say you arrived there and you found some people already there? -- Yes.

Do you know what those people had been doing? -- I mean as we were sitting there around the fire they were planning to go to Lesotho as they, to Botswana I mean to say, and then

they/... (30)



they sent Joe first.

Yes, no my question is do you know what they had been doing before you got there? -- No I don't know.

CHAIRMAN: Where did you and Almond and Joe come from? Did you come from Vlakplaas? -- I can't remember whether we were from Vlakplaas or we were from Zeerust, I can't remember.

MR PRETORIUS: But now I want to ask you some questions about your worksheet. If the witness could just be shown EXHIBIT B40 Mr. Chairman?

CHAIRMAN: Mr. Kemp would you please pass the witness B40? (10)

MR PRETORIUS: Do you see in the middle of EXHIBIT B40 is a column "Tydperk van eis" do you see that? -- Tyd?

"Tydperk van eis". -- This one where it is ... (intervenes)

The middle column. -- Yes.

CHAIRMAN: I don't think - the witness has got his finger at the wrong point.

MR PRETORIUS: Can you just look here? Mr. Tshikalange, this column here. -- Yes.

Mr. Harris will show you the column. Mr. Chairman it's the period of claim and it's the last time-column that I will be referring to. (20)

Now you see in the last column there, there is a time 08h00, do you see that? -- Yes.

And it is the same time for everytime you claimed S & T. -- Yes I see.

Now I presume that you didn't arrive back from every mission at precisely 08h00 in the morning, or did you? -- I didn't arrive in the morning or on that place, I mean look as I am telling you about this timesheets, I was not working with this/...

explain anything about it.

CHAIRMAN: Yes I understand your point Mr Pretorius.

MR PRETORIUS: Did you ever sign S & T forms in blank? -- Well I can't remember signing forms I can't remember signing forms, can't remember.

Okay. -- It might be, but I can't remember.

Now you said in answer to a question from the Commissioner that your S & T money was always correct, do you remember that? -- Correct?

It was right for the time you were away, your money? -- Well, (10)  
I mean I never, when I get money never check when I was out, when I was because I mean I never work with those things.

Did you know how the money was calculated? -- No it is only whatever maybe those people who went out with me maybe can check how much did he get and then how much did I get and then does it correspond. It was just like that and not that I know from when did they started to book us out and until when.

CHAIRMAN: Now, I think what Mr Pretorius wants to know, did you know how much you received for every day S & T when you were away from base. -- Yes that time, when I, I mean when I received then (20)  
I did check how much did I receive at that time.

MR PRETORIUS: All right the, it was put to you that you made up out of your head and perhaps other peoples' heads too, the stories that you told to this Commission. What I want to ask you is did you ever see the inquest file of Griffith Mxenge? -- There I never ... (intervenes)

The inquest file? -- I never saw it.

Did you have collections of press cuttings available to you? -- Press cuttings?

Yes. /... (30)

Yes. -- Like what? In newspapers?

Newspapers. Did you use to keep old newspapers? -- No I never kept them.

Did you have access to police dockets? Did you ever see police dockets? -- No I never, I mean I never, no.

Court records or any other official documents? -- No.

At Vlakplaas, did you have access to any official documents? -- No.

Now when you left South Africa finally were you working? -- Yes I was working.

(10)

Is that at Kyalami? -- Yes.

And how much were you earning? -- R800 and then if ever there is some overtime like weekends then I was getting more than that in fact.

And at that time, the time that you left South Africa, were you living with your wife? -- Yes I was living with my wife.

And your child? -- Yes.

And have you seen them since? -- Pardon?

Have you seen them since you left? -- Since I have left and I have never seen them.

(20)

Just one last question. Do you know who oom Hove is? -- Who?

Oom Hove? -- Oom Hove is Van der Hoven, I think he was a brigadier on that time in Durban when these things occurred in fact.

Brigadier Van der Hoven? -- Ja, Brigadier Van der Hoven, I know him.

Thank you Mr Chairman.

CROSS-EXAMINATION BY MR SKWEYIYA: Thank you Mr Chairman.

Most/...

(30)

Most of the questions I was going to ask you have been covered, but Mr Chairman there were aspects which we don't think should be put to this witness concerning whether there was blood on the scene and on the clothing and whether there were signs of struggle at the scene.

CHAIRMAN: I tend to agree with you.

MR SKWEYIYA: And we have agreed in some consensus that if pages are required to show that there was struggle on the scene, and some witnesses say there was blood and some say not, we can do that.

CHAIRMAN: Yes I think Mr Skweyiya that it will serve, I agree (10)  
that I think it serves the purpose to debate with the witness whether there was a lot of blood or little blood, whether there were signs of struggle or not signs of struggle. It all depends on whether there was a proper investigation at the time.

MR SKWEYIYA: Correct.

CHAIRMAN: And I am aware that there are, that different witnesses said different things, and I am aware of the fact that it rained. So much of that will probably be inconclusive in the end.

MR SKWEYIYA: Yes thank you Mr Chairman. Mr Tshikalange are you (20)  
able to advance any reason whatsoever as to why Griffith Mxenge was killed? -- Pardon?

Are you able to give any reason why Mxenge was killed by the police? -- So far as I know a little bit of the story, they said there is a lot of funds which is getting to Mr Mxenge's account which is coming from ANC, and then he is always working with the ANC, that was the story.

CHAIRMAN: When did you hear that story? -- I heard when the  
instruction/...

wegvat".

MR SKWEYIYA: And when various cars were stolen belonging to certain people, belonging to different organisations do you know why their cars had to be stolen? -- Mostly of the time they just said this one is belonging to another organisation what what and then they doesn't explain each and everything on full, they only just give you instruction you must go and do this and this. This one they said he is not good so then they doesn't give you full details.

What sort of organisations do they think these were, these men belong to? -- That one I think they say union, I can't remember the organisation which they had said. I think it is union, or someone in fact. (10)

Mr. Tshikalange we understand you to be correctly that you say that you belong to a special squad as it were, a special unit of the police, is that correct? -- Of course, I mean that Vlakplaas it was really a special unit.

What was this unit for, to your knowledge? -- To my knowledge, as I seen, I mean there is some other special branches, I mean other branches who works with information. On that Vlakplaas we didn't work information, we work only under instruction do this, do this, go this, go to this place, this is what used to happen there. (20)

To do what? -- Like this thing of kidnapping, killing and so on.

CHAIRMAN: Yes, but you know Mr. Tshikalange what was the work of the Askari's at Vlakplaas? -- The work of Askari, I mean there is different many works inbetween.

But what was the work of the Askari's? -- There work was to look/... (30)

to look around, move around looking for that Askari's. And then secondly, or inbetween there were some times when we used to go to Swaziland to go to ... (intervenes)

No listen, what was the work of the Askari's, not what was your work, what was the work of the Askari's? -- As I have said there is different works is done ... (intervenes)

The Askari's? -- It is very difficult when I say, I can see now you want me to mention that ... (intervenes)

I don't want you to mention anything, I only accept the truth, so please keep on speaking the truth. -- Yes I am telling now the truth that our work was to move around at the places ... (intervenes). (10)

You are not an Askari Mr. Tshikalange. -- Yes.

Are you an Askari? Were you an Askari? -- No I mean just have a look, I mean only meantime it doesn't mean that what Askari's do some times, there is some of things that we used to do together.

Yes, I don't mind, we will get to that. I ask you what was the work of the Askari's, just answer that question? -- Moving around, looking for their own people.

Looking for ANC members? -- Yes.

What else? -- Then sometimes going outside to kidnap their own ... (intervenes) (20)

To bring them back into South Africa? -- To South Africa. Sometimes there were things of killing also.

Sometimes ... (intervenes) -- Of those people who are in activities of ANC.

Now who was killed, to your knowledge, apart from Mr Mxenge, because of ANC activities in South Africa by an Askari? -- By an Askari?

Yes./... (30)

Yes. -- Look there is some of people who used to disappear.  
Just give me the names of the people killed by Askari's because  
they were ANC in South Africa in the time you were at Vlakplaas?  
Give me the names. -- Inside or outside?

Inside. -- I didn't say, I mean I have mentioned like Mxenge  
was killed.

Yes we have Mr Mxenge. Who else? -- Well some of the other  
things I doesn't know because it is not always that I am going  
with them.

So you have no other knowledge of anyone else killed? -- Yes.  
(10)  
Do you have any knowledge of anyone kidnapped in South Africa  
while you were there at Vlakplaas? -- Yes I have said one of person  
whom I have seen, Pillay.

Pillay, yes but he was kidnapped from Swaziland. -- Yes.

Who else? -- And then I don't know, I mean ... (intervenes)

So the problem I have is you talk about that you murdered  
and kidnapped people in South Africa but then you mention one name,  
one person murdered and one person kidnapped. -- And then there  
is other people who were also in Vlakplaas who, I mean they were  
Askari's.

(20)  
Yes. -- Whom they found that they doesn't trust them, then  
they just disappear, Ace Mohema and Peter and then who had been  
at Vlakplaas.

Do you know who killed them and whether they were killed?  
-- Yes I heard they were killed.

You heard they were killed? -- Yes.

Who told you they were killed? -- Almond told me, Dirk  
also/...

My problem is that Almond testified for more than a week and he didn't give any names of people at Vlakplaas who disappeared, who were killed. -- Okay, I mean is what I am saying what happened.

Yes, but my problem is that he has also made these allegations and he also didn't mention anyone's name, you make the allegations you don't identify it. Yes carry on Mr. Skweyiya.  
MR SKWEYIYA: Yes thank you Mr Chairman. Mr. Tshikalange would I be correct in, will it be a fair assumption to say that your squad, I am talking to you as a policeman now. -- Yes.

Vlakplaas policemen was to deal with people who was supposed to be involved in subversive work generally, fighting against the government? -- Ja, we were working against the people who were against the government of course. (10)

And who told you that they were against the government?

-- The commander of us, I mean the people who were working with us being our commander, they are the one who said then they got instruction this chap is doing this and this.

And you people were devoted members of the police force and you believed this? -- Of course we did believe that those people really they, as we learn that they are terrorists. (20)

You also say that whilst you were working at Vlakplaas as a policeman you were sent there to comply, that is what you said. -- Yes.

That was the rule to comply and to complain later in writing.

-- Yes.

Was that the position in fact? -- That was the position.

Now/...

K1.21

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TSHIKALANGE

Now you say that after Mr Nofemela had revealed the killing of Mxenge, Paulus van Dyk went and saw Coetzee, do you remember that? -- Yes. (30)



And where was he coming from? Do you know where he said he was coming from, Paulus van Dyk? -- He was coming from the office.

When you say the office, where? Which office? -- The headquarters where I was belonging to.

Headquarters in Pretoria? -- Yes.

And I thought you also mentioned a general, when you mentioned this incident?

MR KUNY(?): Mr Chairman, really Mr Chairman we want to place an objection on record. The evidence of Mr Tshikalange in this regard was that he was told by Captain Dirk Coetzee of something which Van Dyk would have said to him. We are now one step further on the hearsay situation where it is now asked of this witness to speculate about what Van Dyk had said to Coetzee and where he had come from and who he had received instruction from. Really Mr Chairman it is really going a bit too far now and we object to this line of cross-examination. (10)

MR SKWEYIYA: Mr Chairman this is the evidence given by the witness. The witness spoke of Van Dyk having come from headquarters. The witness spoke about Van Dyk having mentioned a general, it's on that basis that I am asking this question. (20)

CHAIRMAN: Could I just ask you this, just to try and solve the problem, Mr Skweyiya, let me just ask a question or two. Mr Tshikalange do you know that Van Dyk came back from head office with instructions to talk to Dirk Coetzee? -- I mean he said, I mean when Dirk Coetzee told me, I mean where is he working? He is still working ... (intervenes)

Did/...

K1.22

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TSHIKALANGE

Did Dirk Coetzee tell you Van Dyk told him that he came from head office? -- Yes. (30)

MR KUNY(?): That is the point we were trying to make Mr Chairman.

MR SKWEYIYA: When Van Dyk came and spoke to Coetzee were you present at Coetzee's house? Were you present? -- I was around on the back room and never came to it.

Could you hear what they were talking about? -- No I couldn't hear what they were talking about.

I see. Now I want to ask you a few other questions concerning Durban. Your trip to Durban. -- Yes.

You said, describing the time when you were going to kill Mxenge. You said that you drove in a bakkie. -- Yes.

And you described a scene where, whilst you were on a lower ground, at a lower level. -- Yes. (10)

You observed a vehicle which you described as a Passat, remember? -- Station wagon yes.

A red Passat. -- Yes.

And did you say that that Passat was coming out of a house at a higher, from a house which was at a higher level? -- Yes.

On a hill as it were? -- Yes.

Am I correct? -- Yes you are correct.

And was it coming out of a house? A particular house from the upper level? -- Yes from a particular house on top of the ..... (20)

And was it said who that house belongs to? -- As, I mean as I recover later they said it is Mxenge's wife who is coming from this house there on top, not mentioning whether this is the house or what, but they say his house is there on top.

And/...

K1.24

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TSHIKALANGE

And you say that this Passat was a reddish Passat? -- It is a red Passat station wagon.

CHAIRMAN: Now this Passat went away from the house? -- Yes. (30)

And then the Audi came towards the house? -- Yes it go away and then we turn to a certain corner then after that when this

Passat go away then we go on the same road.

Yes and then the Audi came? -- And then we go for a short distance and then we turn back again with the same road then we stop there for a little bit and then we talking there ...

(intervenes)

Yes, just a moment. All I want to know is did the Passat come back before the Audi came? -- No.

Was the Passat still away? -- Still away.

MR SKWEYIYA: Now the Audi I have referred to is a white Audi is that correct? -- Yes it is a white Audi.

(10)

Was it a new Audi or not, of that time? -- When I look at it and then it looks very new of course.

Well I can tell for the record that in fact Mxenge has owned a white Audi and a red Passat, maroon, I am sorry.

CHAIRMAN: I think, I am not quite sure, that ... (intervenes)

MR SKWEYIYA: We shall place this record at a later stage before the Commissioner.

CHAIRMAN: Yes, no, no I know that, I have the record as an exhibit, but I think Mrs Mxenge said that she was at home waiting for her husband, and that's why I asked the previous question.

(20)

MR SKWEYIYA: When you stopped on this road and the Audi was coming behind you. -- Yes.

Was the road where you stopped level or steepish or what?

Can you remember? -- It is very difficult, but whatever I know  
it was/...

K1.27

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TSHIKALANGE

it was a narrow road and then going back again it's become too steep.

It goes up you mean? -- Yes.

(30)

You also described the way you went to the spot where you say you killed Mxenge, do you remember that? -- Yes.

You say that you travelled along a tarred road, am I correct?

-- Yes the same road yes.

You travelled along a tarred road? -- Yes.

And you say that at some point you got off the tarred road.

-- Yes we gone off to the left if I am not mistaken.

Anyway you got off the tarred road am I correct? -- Yes.

And after you got off the tarred road did you say that you went for a short distance along a gravel road? -- Ja we go along the gravel road for a short distance.

Yes? -- And then till to a place, that place was gravel in fact, I mean open, there was no ... (intervenes) (10)

An open ground? -- Yes open ground, and then where Mxenge's car was parked on the right-hand and then I also came and park the van behind that Audi.

And was Mxenge's killed on this open ground? --On that open ground.

CHAIRMAN: When did you decide that Mxenge was killed on the open road, because yesterday you couldn't, and the day before that I asked you that question more than once and you couldn't answer it? -- I said it was an open ground. (20)

No open road, not open ground.

MR KUNY(?): Mr Chairman I don't think he said open road yesterday, he said open ground.

MR SKWEYIYA: He said ground.

CHAIRMAN: Now. Did he now say ground?

MR KUNY:/...

K1.28

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TSHIKALANGE

MR KUNY: Open ground.

CHAIRMAN: Sorry.

MR SKWEYIYA: As well as yesterday also. (30)

CHAIRMAN: No, no I thought I heard open road.

MR SKWEYIYA: No he said ground now.

CHAIRMAN: Sorry. Do you have the photograph Mr Skweyiya?

MR SKWEYIYA: I don't have it with me Mr Chairman but I know that area very well.

CHAIRMAN: No, I, yes, no I just want to show the, have the witness look at the photograph of the scene where the body was found. No the original photograph, not the colour photographs the one at the inquest. That is B122, 1-2-2. Will you look at that EXHIBIT B122, that photograph? You see two people there on the photograph? -- Yes.

Now do you recognise this place? -- No I can't recognise it. (10)

Can't recognise it. Do you see any open ground there? -- Well I see only the road in fact.

But you don't see open ground? -- I don't see.

All I want to tell you is that this photograph shows where Mr. Mxenge's body was found, I think it was taken the day after the murder.

MR SKWEYIYA: Day after yes.

CHAIRMAN: And I think one person points where car vehicle, where the marks of the car was, is that right Mr Skweyiya?

MR SKWEYIYA: I don't have the photograph in front of me Mr Chairman. (20)

CHAIRMAN: Let me lend you my copy then.

MR SKWEYIYA: Thank you.

CHAIRMAN: It's the original from the inquest, you know the inquest/...

K1.30

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TSHIKALANGE

inquest. You know the inquest better than I do.

MR SKWEYIYA: I see that.

CHAIRMAN: So am I right Mr Skweyiya that the one person stands where the body was found and the other where the car tyre marks (30)

were?

MR SKWEYIYA: Yes, according to the ... (intervenes)

CHAIRMAN: The evidence.

MR SKWEYIYA: The evidence of the inquest.

CHAIRMAN: Yes. But you don't see any open ground there, where the murder took place? -- Well as I have told the court even before that, I mean myself it was the first time, and then how could I believe that maybe this photo it's a true photo because...

(intervenes)

No, all, I don't mind, I don't care what you believe, all I ask you is, the open ground where Mr Mxenge was murdered is not on that photograph? -- Secondly I mean it was ... (intervenes) (10)

Is that correct, just answer? -- Yes it was the first time to be on that place, but whatever I still remember is that there was an open ground.

Where he was murdered? -- Yes.

He was not murdered on that road? -- I don't know sir.

You don't, you say, just answer me clearly because I don't hear you. -- I mean ...

Was he murdered on that road yes or no? -- I can't say anything about it. Whatever I still remember is that there was an open ground, as I have ... (intervenes) (20)

So it cannot be that place where he was murdered? -- Well I mean I can't say anything about it.

Can't, what do you mean you can't say anything about it?

Do/...

K1.31

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TSHIKALANGE

Do you think it was there or you think it was not there or you know it was not there or you know it was there? -- No I can't remember as I have said and then it was my first time to be on that place and then it was during the night. (30)

I appreciate that, but I have got a problem, I have got a very simple problem. My problem is that, and I misheard you earlier today. -- Yes.

My problem is that you say Mr Mxenge was murdered on an open piece of land, of ground. -- Yes.

That photograph has no open piece of ground on it, is that right, such as where he was murdered? Or don't you, can't you answer the question? Do you see an open piece of ground on that photograph where Mr Mxenge could have been murdered? -- I mean whatever I am seeing is a road.

(10)

That is right, no open piece of ground?

MR KUNY: With respect Mr Chairman, the road is an open piece of ground.

CHAIRMAN: But mister the witness doesn't say it and I asked him about that more than once. -- I mean the road is wide it can be, maybe here there is also open place of the ground, it might be there, I am not sure of that.

MR SKWEYIYA: Mr Chairman may I be of some assistance? The road where the witness stands pointing on the ground is a dirt road leading off a tarred road, and if one travels towards, you as you look at the photograph one can see water, a pool of water somewhere there. The ground is all vast area, you know this side of the photo as it were, it is not shown in the photo, it's in fact a stadium of some sort. (20)

CHAIRMAN: No I have got the full set of photographs of the whole area in another exhibit.

MR SKWEYIYA/...

K1.32

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TSHIKALANGE

MR SKWEYIYA: Yes.

(30)

CHAIRMAN: But ... (intervenes)

MR SKWEYIYA: Anyway the point I want to make Mr Chairman is that

this photograph does not depict the true, you know, the true picture of the area. It depicts the road all right which comes off the town road.

CHAIRMAN: No but I was only interested in exactly where the deceased was murdered. Yes. Carry on.

MR SKWEYIYA: Thank you Mr Chairman. Mr Chairman vis-a-vis the point which you made, I thought you say that Mrs Mxenge did not leave home, she was at home.

CHAIRMAN: I thought she said that she waited for her husband.

MR SKWEYIYA: No in fact the evidence of the inquest is that she went home, waited, her husband did not arrive, she then decided to drive away. This is contained at page 156 of EXHIBIT B9. (10)

That is all Mr Chairman.

CHAIRMAN: Could I have my photo back please? Is there someone else who has a question?

MR BERTELSMANN: Mr Chairman.

CHAIRMAN: On what basis?

MR BERTELSMANN: For "Vrye Weekblad" Mr Chairman.

CHAIRMAN: What is "Vrye Weekblad's" interest?

MR BERTELSMANN: "Vrye Weekblad's" interests arises from the fact that it published a report to which reference was made in extent sir during the examination of this witness. There are one or two issues arising from it. I'll have two or three questions Mr Chairman. (20)

CROSS-EXAMINATION BY MR BERTELSMANN: Mr Tshikalange you, is it correct that you met Mr Pauw on several occasions? --

Mr Pauw?

K1.34

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TSHIKALANGE

Mr Pauw?

(30)

Yes, Mr Jacques Pauw? -- Yes.

And that you discussed and told your story to Mr Pauw on



various occasions? -- Not on various occasions. As I have told you and then it was only one day that I was on the way to go home, where he turned back on P P Rust or Potchefstroom, something other.

Mr Tshikalange I must put it to you that if necessary and if required Mr Pauw will testify that he spoke to you on several occasions and that you told your story to him on several occasions.

Do you deny that? -- No I deny that.

I must furthermore put it to you that what ... (intervenes)

CHAIRMAN: I must say Mr Bertelsmann reading the tape, I get the impression that Mr Pauw told basically his story to Mr Tshikalange in many occasions. (10)

MR BERTELSMANN: Well with respect Mr Chairman if I may just place on record that at the time ... (intervenes)

CHAIRMAN: He had Mr Coetzee's version.

MR BERTELSMANN: With respect Mr Chairman if required the evidence of Mr Pauw will differ from that conclusion. As a matter of fact at the time the first article, the article in which Mr Tshikalange's version appears was published several discussions had already taken place and not only ... (intervenes)

CHAIRMAN: All I say is what appears on the tape. (20)

MR BERTELSMANN: As it please you Mr Chairman. Mr Tshikalange I wish to put it further to you that what was published by Mr Pauw is in accordance with what you told him? -- No there is a lot of things which were not, I mean which were not, which I never/...

K1.37

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TSHIKALANGE

never said, I mean just like, I mean he had mixed some of things from Almond and then to me also just like this case of Maphonya. I mean I never saw Maphonya. I doesn't know nothing about Maphonya. (30)

Well Mr Tshikalange if required that will be the evidence.

Thank you Mr Chairman.

CHAIRMAN: Thank you. Mr Roberts?

MR KUNY(?): Mr Chairman before Mr Roberts, I may say that acting on behalf of Mr Tshikalange we would welcome Mr Pauw giving evidence and having an opportunity of ... (intervenes)

CHAIRMAN: With Mr Pauw?

MR KUNY: Yes.

CHAIRMAN: Oh, obviously I will subpoena him if we get to South Africa.

MR KUNY: Thank you.

CHAIRMAN: Unless you feel I must subpoena him now. (laughter) (10)  
Will South Africa do?

MR KUNY: South Africa will do.

CROSS-EXAMINATION BY MR ROBERTS: Mr Tshikalange in 1981, that is the time when Dirk Coetzee was still there at Vlakplaas, about how many people stayed at Vlakplaas? -- How many people were staying in Vlakplaas?

Yes? Roughly? -- No I might be telling lies, there were lot, I mean I don't know how many.

More than 20? -- It can be fewer than 20 I can't remember.

Now, of those people how many of them were involved in the killing, the kidnapping and the stealing and burning of cars? -- (20)  
Well, I mean during my period, I mean in our job, I mean I still remember was sometimes, those people whom I have mentioned/...

K1.38

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TSHIKALANGE

mentioned, of them I mean is whom I have gone with them to a certain mission, is whom I am talking about. Those others I am not talking about because I, when they go to there side and then they are not with me. (30)

Did anybody at any stage say to you that these killings,

kidnappings, car stealing and things like that, that you must not talk about it to the other people at Vlakplaas, the other Askari's there people like that? -- Of course I mean if ever you was being in a certain mission it was very difficult you can't just make wharra-wharra with anybody I mean, whilst you say something if ever the superiors could hear you then you are in trouble of course. There was no need that you must say anything.

Yes. But did anybody ever say to you that you must not talk about this to your, to the other people at Vlakplaas? -- Of course I mean our superiors that is why if ever maybe I went to do something (10) it is only that group which is going to do something. I mean of course, they even told us that you must beware, of course as a security they still way of, I mean it was, we were waiting under security, security means that you mustn't make anything wharra-wharra to anybody.

But I am asking you did anybody specifically, clearly say to you listen you people must not talk about these missions? -- Yes our commander used to say that hey you must keep quiet.

And did he say anything about talking to your family about what you did at work? -- Of course I mean if ever you are with your family I mean is very is either you can tell your brother (20) hey that work was working in such a way and so-so and then sometimes he get angry also of course. But you tell him hey, this is something this job like this and this.

Yes/...

K1.40

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TSHIKALANGE

Yes I am asking you, did anybody say to you you are not supposed to tell you family what you do at the work? -- I mean what we are doing and then of course I mean our commanders who (30) used to go with us always said hey don't talk too much about such things.

Did Dirk Coetzee ever tell you that? -- He didn't talk about it.

Now you said earlier on that you did not get any training at Vlakplaas, is that correct? -- Yes.

Did anybody else there get training? -- Training of what?

Well, any form of training? -- For what, because I have gone to training to the police college.

No but I am talking about were any people trained at Vlakplaas, actually trained at the farm? -- Look I can't say there was, I mean special training, we used to, I mean there people used to shoot there, shooting there, not I mean a really training that and then you must, other training and so on I mean there was no such. (10)

And while you were there, if other people were being trained would you have seen that? -- Pardon?

While you were at Vlakplaas, during your time there, if other people had been getting training there, would you have seen that? -- No as I would say, I mean Vlakplaas was a place, you know there were guns, there were everything, I mean as I am saying then, I mean the commander Sergeant Schutte who was there then he can took a gun there were bullets and everything and then he say just look to see how to shoot and how to hold, then he shoot, I mean to show us how, not that it is really training in fact, that was a serious training or something. (20)

Because Almond Nofemele gave evidence that he received training/...

K1.41 - 224 - TSHIKALANGE  
training there in killing, ambushing, kidnapping. Do you know anything about that? -- Well I say he was a superior for me, maybe they told him somewhere else, I don't know. (30)

But if he had got that training on the farm there would you

have seen it? -- Well if he did have it there on the farm while I am there, if I was there then I should have seen it.

And during 1981, while you were still a student-constable did you spend most of the time there at the farm? -- Well there sometimes where I am out.

CHAIRMAN: But when you went out you went out with Almond? -- Not always ... (intervenes)

Not always? -- That and then I used to go around with Almond, some of the time.

I think Mr Roberts you have covered. -- Yes I used to go out with, being with other people in fact. (10)

MR ROBERTS: Right, just before we carry on there is one little point. You remember the first morning that you gave evidence, on Monday, you said you went to Lady Grey? -- Yes.

And you did a road-block at a place? -- Yes.

You called that place Natalspruit, do you remember? -- Yes it is Natalspruit.

Now what I want to ask you is this, are you not perhaps mixing Sterkspruit? -- Sterkspruit yes.

Is it just inside the Transkei? -- Yes. (20)

Ja, no that is correct. Now I want to come to the time when you went to Zeerust. You have mentioned that Dirk Coetzee, Jan Coetzee and others were there. -- Yes.

And that you and Joe and Almond came later. -- Yes.

Is that right? -- Yes.

Was it just the three of you who came together? -- You

You/...

K1.43

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TSHIKALANGE

mean three of us, we black people or ... (intervenes) (30)

Well when you came, did you come in one vehicle, you and Joe and Almond? -- I can't remember whether, as I am saying, since

we came later, me, Joe and Almond.

You three in one vehicle? -- Yes.

Anybody else in the vehicle? -- Well I can't remember.

And before you left to come there were the three of you still together at that other place that you were before going to Zeerust?

-- No, I mean we were sitting around the fire Almond and Joe did go to Botswana, then Almond come out. I don't know whether Joe come out again then, they go back again then, because ....

(intervenes)

CHAIRMAN: You were all the time sitting around the fire? -- (10)  
Pardon?

Were you all the time sitting around the fire? -- All the time I mean we were sitting there next to the fire.

MR ROBERTS: How long were you at that place, from the time when you got there until the time when the others went to Botswana?

-- You mean how long did we sit there, or at what time did we left that place?

You got there, you and Joe and Almond got there at a certain time. -- Yes.

At a certain time. How long were you there before the others (20)  
who were going to Botswana left for Botswana? -- Well It took a short while because there were a discussion of course.

The same night? The same day? The same night? -- Say the same night, it was not so very late in night, I mean it is around 4 o'clock, so on, I think. Then we left that place that place later around I think, not so short a time, it

might/...

K1.50

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TSHIKALANGE

be 8 o'clock or something like that, whereas Joe was waiting for (30)  
us on the Botswana border of course, and then we go through the fence.

CHAIRMAN: But, did you also go through the fence? -- Yes we go together.

Did you go through the fence to Botswana? -- Yes.

MR ROBERTS: Was there anybody else at the farm there who was not a policeman? -- I don't know because I never get inside there.

You didn't see anybody who was not a policeman there? -- No I never saw anybody, I mean, in fact I mean around that fire I never saw anybody.

Right now we go to the killing of Griffiths Mxenge down in Durban. You say that Dirk Coetzee told you about the instruction, (10)  
is that right? -- Yes.

And he mentioned oom Hove? -- Yes.

And you have told us that is Brigadier Van der Hoven? -- Yes.

Was that the first time you had heard that name? -- For Brigadier Van der Hoven, I know him that is always there, I mean it was not the first time to know about him.

Is there any reason why you didn't mention his name when you were talking to Jacques Pauw in the motor car? -- Look as I have told you even before that, Jacques I didn't want to talk with him so much in fact because I mean, I thought may be something might (20)  
happen you know, because I mean, it is very, just like when I am being in the police I can't just say each and everything about the police and then people turn against me, then I didn't want to talk so much with him, but anyhow he insisted that no man don't worry and then I want to know this  
and/...

K1.52

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TSHIKALANGE

and this and so on. I never, I can't remember whether I have mentioned it to him or what.

(30)

Right, now this ... (intervenes)

CHAIRMAN: Just a moment please. Yes carry on thank you.

MR ROBERTS: You told us on various occasions and you talked about it again this morning about the red Passat station wagon. -- Yes.

It came down a little road, is that right? -- Yes.

Were there lots of houses in that road? -- On the side I think there was some houses on the side. I mean it was my first time to get on that place, it is very difficult for me to describe to you the place, how is it and what what you see.

Well was it veld or was it houses? -- Yes there were some houses so all along.

And, I don't quite understand you, when the Audi stopped and Almond got out with the gun and kidnapped Mxenge, was that in the very same street? -- The same very street. (10)

Same street?

CHAIRMAN: Just to come back to the previous question. In your, when you spoke to Mr Pauw on the tape recording, he asked you whether you know where the instruction came from to kill Mxenge and you said no you didn't know. Now you say he came from Van der Hoven and Dirk Coetzee told you. -- Look as I have told you even before that thing, which I have told the court that, of course I didn't want to talk to him. (20)

Yes, no I appreciate that. -- Anything about it, I mean that is why, I mean I have now given my statement under oath, I mean in front of the court.

Thank you. -- I don't think there is anything that have to do with this tape-record under the newspaper story because there/...

K1.54

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TSHIKALANGE

there is some of things which of course I know I doesn't know them of course.

I could just mention Mr. Kuny we have the tape here if you wish to listen or whoever wishes to listen to the tape. I haven't (30)



listened. I just know it is here and I have been told that on page 11 of EXHIBIT B5 where it says "het hy gehelp, het hy gesien" it is actually "het jy gehelp, het jy gesien". Because it was in Afrikaans there. Right at the foot of the page.

MR KUNY: Thank you.

MR ROBERTS: Yes Mr Chairman and on page 12 as well.

CHAIRMAN: And page 12.

MR ROBERTS: We can just clarify, Mr Maritz put yesterday he said that the impression was gained that the witness was speaking through an interpreter during that interview. We have listened to that and it is clearly just one to one, no interpreter speaking. (10)

CHAIRMAN: And as I say, if anyone wishes to listen to the tape we have it.

MR ROBERTS: General Van der Westhuizen has listened this morning to the tape.

Mr Tshikalange, coming back to the Passat now, you say you thought this was the wife of the deceased who was driving the Passat? -- Yes, as I have told you when we turned back we did have a stop there, I mean we did divert her and then we took another way. When she go down, well she disappear and then we came again on the same road which we were taking and then we make a turn again. (20)

Yes? -- Facing to the same place where the Passat was coming from.

Yes?/...

K1.57

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TSHIKALANGE

Yes? -- Then while we were there, we did stand there, we were weewing of course there, then Brian said, hey, they said hey it is her wife that one who was driving.

It was his wife, Mxenge's wife? -- Yes.

So did he say that? -- Ja, they said that.

Right now, coming to the stabbing and the killing of Mxenge.

(30)

You were there, Brian was standing holding a pistol and the main work was done by Joe and Almond, is that right? -- Yes I also stabbed, I mean as I said and then I stabbed once from the chest.

Yes but the main people who were doing the stabbing were Joe and Almond? Is that right? -- Yes.

And you said that Joe was behind him? -- Yes.

Behind the deceased. Was he holding onto him? -- No it was busy stabbing and kicking, I mean it was, I mean a horrible fight that you can't even describe it in fact, they were busy kicking and stabbing.

Well let's just try and describe it. On one side was Almond standing, on the one side? -- He was fighting also on this other side. (10)

Yes, and on the other side opposite him was Joe? -- Yes.

And in the middle was the deceased? -- Yes.

Was that how it was? -- Yes.

And was the deceased sometimes facing the one of them and sometimes the other, as he was struggling and fighting? -- Yes when he was struggling he used to turn, when we get, maybe it is very painful to this side, then he turn and fight ...

(intervenes) (20)

Sorry don't turn away from the microphone when you are talking. -- Pardon?

When/...

K1.59

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TSHIKALANGE

When you talk you musn't ... (intervenes). -- Oh, sorry, sorry.

All right, so you are describing the deceased turning this way and that as the people were attacking him? -- Of course.

CHAIRMAN: Why did the deceased attack you? -- Well let's put it in this way, of course if a person is fighting you, you can't just (30)

stand.

No, why did the deceased attack you, before you stabbed him?  
-- I mean he was fighting, I mean he have seen that his life is  
in danger.

Yes but his life was more in danger with two people already  
stabbing him and a third holding a pistol at his head. -- Yes.

Why did he go for you? -- Why did he, I mean ... (intervenes)

Why did he attack you? -- Look as I have said and then they  
were, when they pull him out the car they were, I mean it was busy,  
they were fighting of course.

Yes. -- I mean, of course, and then you know I don't know  
how can I put it now, I mean if ever a person is fighting you of  
course you can't just die without trying to do something, of course.

MR KUNY: Mr Chairman I just want to point out, we don't think  
that in his evidence-in-chief he said the deceased attacked him.

He said when the deceased came to my side I stabbed him.

CHAIRMAN: I read my note again this morning, maybe that my note  
is incorrect.

MR KUNY: That was our note and that was my recollection.

CHAIRMAN: Yes.

(20)  
MR ROBERTS/...

K1.60

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TSHIKALANGE

MR ROBERTS: You were asked about the wheel-spanner, and ...  
(intervenes)

CHAIRMAN: He said he came to me, which seems to be a direct  
translation of the Afrikaans, but any event, "hy kom vir my". Carry  
on.

MR ROBERTS: You said the wheel-spanner, you thought that Almond  
had it from the beginning of the fight? -- As I have said yesterday,  
I don't remember whether he was holding it on his hand or what,  
I can't remember or he did go and took it to the van. But the

fact remains that when the deceased came to the direction running to this side when I stabbed him on the chest, immediately then he took out that knife, because I stabbed and then I jump one side.

So, immediately when going for Almond, then Almond had beaten him with the wheel-spanner on his hand and then that knife fall down, then he continue beating him, then well people were attacking him again, I mean so till he fall down.

Where did that wheel-spanner come from? -- It's what I can't remember whether he was having it or, but the way I have seen it he was having it.

But was it the wheel-spanner for the bakkie? -- That was the wheel-spanner for the bakkie. (10)

Did it come out of the bakkie then? -- I can't remember. Look he was the driver, I think when he come out that time when they abducted the deceased, whether he was having it or he did take it there while the bakkie was standing, I can't remember, but what I whatever I know is that the same time when I, when I, I have stabbed him here on the chest jumping one side, he tried to took the knife the same time, going for a person who was in front of him, Almond, then Almond beat

(20)  
him/...

K1.62

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TSHIKALANGE

him with the wheel-spanner and then that knife fall down.

Mr Chairman I see it is just 11h15.

THE COMMISSION ADJOURNS FOR TEA. THE COMMISSION RESUMES

MR ROBERTS: ....killing when the two vehicles went to the parking area next to C R Swart Square. -- Yes.

Did you or did you not take off the canopy of the bakkie?  
-- Well, I can't remember.

CHAIRMAN: But if you took off the canopy someone on the trip back must have found it very uncomfortable. -- Well I can't deny ... (30)

(intervenes)

Because he must have, he sat in the open, on an open bakkie.  
-- I can't deny or agree, I mean I can't remember as I am saying.  
MR ROBERTS: Well, following on that, what would have happened to the canopy when it was taken off? Where would it have gone to? -- If they, I mean as I have told that you I can't remember what had happened.

CHAIRMAN: I don't think that line will take you anywhere Mr Roberts.

MR ROBERTS: When you spoke to Mr Pauw in the motor car on the way to Venda, on the way to P P Rust, you spoke about the killing of Mxenge, right? -- Yes I did talk about it. (10)

But you told us you wanted to play down your roll in the killing, you wanted to say that you did less than you actually did, is that right? -- Of course I didn't want to mention more things, I was always afraid to say a lot.

Afraid of doing what? Of implicating yourself in the murder? -- Yes because if ever maybe the police could hear that I have revealed that thing then they will be against me.

Were you afraid that if you told him about the killing you/... (20)

K2.02

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TSHIKALANGE

you might be prosecuted for the killing? -- Of course, I thought maybe, I mean, I thought maybe the police will be, I mean they will be after me, or maybe they can kill me or something like that.

That is what I was afraid of in fact.

But weren't you frightened of a court case against you if you told him about the killing? -- Ja of course I mean they could let me, I mean they may turn around me and said and then we don't know such a thing then, and then I go to court or maybe they killed me in a certain way. (30)

No but I am talking about the court case. Were you afraid that if you spoke to him about the killing that you might be, end up in court and be found guilty of murder? -- End up in court and then either they may kill me in a certain way.

Because what I can't understand is then why you admitted to helping the murderers. You were then still making yourself guilty of a crime. -- Oh, well I mean I took it as, I mean it was the way of the working for them.

In evidence you told us where the three knives came from, one came from Schutte and Almond bought two okapis in Durban, right? (10)  
-- Yes.

According to the transcript, it is EXHIBIT B5 page 12, you say there that you don't know where the knives came from. Do you want me to read it to you? -- Transcript of what I have said here in court?

No, in court you told us where the knives came from. -- Yes.

But when you spoke to Mr Pauw and he was recording it, there you don't say that, referring to page 12 of Exhibit B5, about the middle of the page. Would you just listen to the

question?/... (20)

K2.04

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TSHIKALANGE

question?

"Waar het julle die messe gekry om hom mee te steek?"

That is the question to you, and the answer is:

"Jy meen hulle het messe gehad. Ek weet nie waar hulle dit getrek het nie, maar net daai tyd gesien. Ek weet nie waar het hulle die messe en alles gekry of so aan nie."

-- Wel ek kan nie stry daarvan nie, ek meen soos ek voor die tyd gesê het dat met hom wou ek nie eintlik alles uitpraat nie. (30)

Now before you came to give evidence here this week, had you read the evidence that Nofemela gave before the Commission in

Pretoria? -- No.

Did anybody give you the record, the printed evidence, the typed evidence? -- No.

Did anybody tell you what Nofemela had said before this Commission in Pretoria? -- No.

Not at all? -- Not at all.

Did you read in any newspapers or anything like that what Nofemela said in Pretoria when he gave evidence? -- No the only newspaper which I read is the time while I was at home.

But not since you have left South Africa? -- No I can't remember that I have come across a newspaper like that. (10)

When you spoke to Mr Pauw in the motor car had you read Nofemela's affidavit, the one that he made in the jail, just before he was due to be executed? -- I don't think so. What I have seen, although I didn't read it and then he said it's about Coetzee not about Nofemela.

CHAIRMAN: I don't know what you are saying. -- I have seen, I mean documents that, look I know those things and then Dirk have/...

K2.06 - 235 - TSHIKALANGE (20)

have told me what, but now this was not necessary, he said and then you can read it I said no I don't want to go on with it.

But did Dirk Coetzee tell you what was in the documents? -- No we didn't discuss about such thing.

What did he tell you? You said Dirk Coetzee told me, now what did he tell you? -- You mean according what the documents?

About the documents yes? -- No he never told me anything about it.

But I think you just said Dirk Coetzee told me something, I am not quite sure what the something was? -- When did I say that? (30)

MR KUNY: I think he said what Pauw told me. Did he not say what

Pauw told me?

CHAIRMAN: Did Pauw tell you what was in the documents? -- Ja he said and then he have given, he shows me, I mean the story doesn't you know this thing of Mxenge and so on, well I said I know it's a little bit, but now I was always trying to divert from him because I didn't want to talk all those things, because I did know that maybe it will let me end in trouble.

MR ROBERTS: Well since the time, right up until today have you never read that affidavit that Almond Nofemela made just the day before he was going to be hanged? -- No I never read it anymore  
(10)  
now, since I read it at home.

MR ROBERTS: Perhaps just to get ... (intervenes)

CHAIRMAN: So you read it at home? -- Yes.

MR ROBERTS: Just let's make quite sure. Just have a look at EXHIBIT B.

CHAIRMAN: Mr Kuny do you object?

MR KUNY: No, no I can deal with ... (intervenes)

CHAIRMAN:/...

K2.07

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TSHIKALANGE

(20)

CHAIRMAN: No because I thought he had said I read it at home, since I read it at home.

MR KUNY: Yes but I don't think he was referring specifically to the affidavit ... (intervenes)

CHAIRMAN: Yes but it makes it difficult if you shake your head.

I asked the witness so you read the affidavit, he also says yes and then you shake your head about the way I ask the question.

MR KUNY: No, no not about the way you ask the question. I can deal with that in re-examination.

MR ROBERTS: Will you please have a look now, we are showing you  
(30)  
EXHIBIT B1, you can see it's a hand-written statement? -- You mean I must read it?



No just look at it. You can just quickly page through it just to look at it. Have you ever seen that document before? -- No I never seen it.

Sorry just speak up.

CHAIRMAN: He says no.

MR ROBERTS: No, right. We've got other documents. We've got EXHIBIT B2 which is a statement that Dirk Coetzee made on Mauritius, a long written statement, did you ever read that?

CHAIRMAN: Well if you say written ... (intervenes) -- No that is the one which I saw with Jacques. I saw there was a small typist(?) there but I never go through it. (10)

MR ROBERTS: It's no use looking at the Exhibit B2 we've got, that is the typed version, but I am just telling you that that is typed from a longhand-written statement. Did you ever see a hand-written statement from Dirk Coetzee which he made to Jacques Pauw? -- No that was not a handwriting which I have seen.

Did/...

K2.09

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TSHIKALANGE

Did you ever hear a tape-recording which Dirk Coetzee had, or rather an interview which was taped between Dirk Coetzee and Jacques Pauw? -- No I never heard it. (20)

Since you left South Africa has Dirk Coetzee ever spoken to you about what he said to Jacques Pauw? -- No we never sit and discuss about such things.

So you haven't discussed the details at all? -- No.

Right, now moving to something else. You said that your conscience was worried at some stage about all of these events. -- My conscience was?

Was worried, you became worried about what you had done? -- Yes. (30)

At what stage did that happen? When did it start? -- Well

all along, while I was being on the farm, I mean that thing did worries my, then it becomes worries me more when seeing the newspaper and then and mention my name and all that things.

But were you worried before you left the police? -- I was worried still while I was in the police, I mean while I was in Phopo(?) and then the way we were working there, I mean it did worry me a lot.

Did you ever go and talk to somebody about this worry that you had? -- I think maybe my brother I talk about it and said, but he knows that and then the way because I was always sick and so on from that and then he say I have got a heart attack and then I sometimes fall down and so on, I mean they saw that there is something wrong I mean we are worrying too much of course. (10)

Yes, but what I want to know is did you ever tell some- body look this is worrying me, while I was there at Vlakplaas we've/...

K2.10

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TSHIKALANGE

we've killed people and done things like that? -- Only, I mean I did discuss with my brother.

Way back before you left the police? -- Pardon?

Long ago, before you left the police? -- Even before I left the police, while I am in the police I used to say you know I have involved myself in a certain job and now I don't know what to do but the fact remain that I have to carry on but I don't know. (20)

Were you cross with the police because they had made you do these things? -- Well in the meantime I mean I did feel as it is a job, but at a later stage when they tried to harass me and all these thing of attempting to do something with me, then of course it became more worries to me. It gave more worries in fact.

Were you cross with the police because they had given you these worries by making you kill people? -- I can't say that I (30)

was cross against them as I was still working with them, but it was only my own worry in fact.

Did you have any plan to expose the police for doing these things to you, in other words for making you kill people? -- I didn't have such idea.

Right, now let's get to the, your conversation with Jacques Pauw. Before the car trip had you seen him quite a few times? -- Jacques Pauw?

Yes? -- Oh of course I used to see him many times, while we were in Kyalami, sometimes in Dirk's house.

CHAIRMAN: When was that? In what year? When did you meet Jacques Pauw for the first time, in what year? -- I can't remember, 1989 or 1988, I can't remember, I mean I used to see him all the time, mostly of the time.

(10)

Yes/...

K2.12

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TSHIKALANGE

Yes but how, why did you visit Dirk Coetzee before Almond Nofemela made his statement? -- Well let me put it in this way, Dirk I used to visit him since I was still being in Vlakplaas, I mean we were always friends, I mean like friends. I used to phone him, where are you and then what are you doing this weekend while I'm off and then we go there making braai, maybe we go together to the stadium, I mean Loftus if there is any rugby. I mean it was usual, if ever I'm off sometimes if there is nothing that I am doing, always I did used to ... (intervenens)

(20)

But you think you met Jacques Pauw either in 1988 or in 1989? -- Pardon?

You think you met Jacques Pauw either in 1988 or in 1989? -- Or 1989 yes.

(30)

Yes.

MR ROBERTS: And did the three of you, that's Jacques and Dirk

and yourself then mix socially, have drinks, talk about things?  
-- Well, we mix not talking about the job or whatever the case,  
I mean just normally discussion how are you and so, where are you  
going this weekend and what what, I mean normal.

When the three of you met, you don't spend the whole time  
discussing where you are going the weekend, what else did you talk  
about? -- Sometimes we used to go out to stadium or races course  
that is what used to happen.

Did Dirk Coetzee ever talk to Jacques Pauw about the South  
African Police force while you were there? -- I can't remember.

After Dirk Coetzee left the South African Police, he was cross  
with the police, wasn't he? -- No I have never seen he's cross,  
that I have never hear something saying he is cross for the/...  
(10)

K2.13

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TSHIKALANGE

the police or something.

Then, we are coming now to this lift that you got up to  
P P Rust, how did Jacques Pauw know that you wanted to go to  
P P Rust? -- I can't remember whether we were on weekend or  
it was during the week, he was there in Kyalami, there was  
a practical race, then I told him, then during our discus- sion  
I said and then I am going home, I am going to Venda-land.  
(20)

CHAIRMAN: Why did you want to go home? To make your arrange-ments  
to leave the country? -- Of course I did tell them I am going to  
make arrangements how can I leave the country.

MR ROBERTS: So the time when you planned to go home you had already  
arranged to leave the country? -- Yes I was already to arrange.

And this meeting at the Kyalami was that at the race- track  
there? -- Yes in the race-track.

Was that over a weekend? -- I can't remember or it's during  
the week or over the weekend, I can't remember.  
(30)

And then he just offered you a lift? -- Yes, he said he is

also going to Venda University, he had got a friend there is what he have told me.

At this stage, was Dirk Coetzee already outside the country?  
-- Yes he was already outside the country.

Before, when you were in the car then on the way up to P P Rust was there any discussion between you and Jacques Pauw before the tape-recorder was switched on? -- Well what he said and then he said and then I want to know this story of, be- cause Dirk is out and then he told me Dirk is out of course.

Yes? -- And then this, he was telling me some other things  
but I doesn't understand whether he is talking through  
or/...

K2.15 - 241 - TSHIKALANGE  
or whatever the case may be. Could you try, do you remember some things of this Durban killing, Mxenge's murder and what what. I said well I know a little bit of that.

And then only after that did he switch on the tape-recorder?  
-- Yes and then I was also worrying, I said hey man why do you use this, you might be somebody who want to put me in the trouble  
you know.

When he told you that Dirk was outside the country, was that the first time you heard that he had left the country? -- It was not the first time that I heard, I mean that I know that he is outside the country. As I have also said that then he sometimes he used to contact me.

When you left South Africa did anybody promise you any money or anything else if you left the country? -- Nothing, it's only to save my skin, I was afraid that and then I will be a scapegoat, if ever things get hot then the police will say no we doesn't know  
such a thing, then I'm in trouble.

And what is your - sorry have you finished answering? -- And

then I'm in trouble being alone. They will never, it's just like now as they said they doesn't know such a thing, I mean I, it's what I thought and then I was just going to seek for a refuge somewhere else where I can relax my mind in fact.

What is your present occupation?

CHAIRMAN: What Mr Roberts wants to know, what is your present work? -- Where, in Kyalami?

No, I don't think, now, what work do you do now, apart from giving evidence? -- No in the meantime I'm not doing anything.

MR ROBERTS: Yes but you are living in a different country, you (10)  
are not living in South Africa now? -- Yes.

And/...

K2.18

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TSHIKALANGE

And, does nobody employ you and pay you a salary or anything like that? -- Of course I mean I'm just, as I have looked for a refuge then I'm under protection of, I mean I get each and everything from the Refugee Organisation called ONC.

What about your wife and children, are they going to join (20)  
you, or what's happening to them? -- In the meantime I have not yet decide.

All right, now I want to ask you about something completely different now. Did anything happen while you were at Vlakplaas during those years in connection with the town of Lindley in the Orange Free State? -- Town?

Have you ever heard of the town Lindley in the Free State?  
-- Lindley, yes I know it.

Did anything ever happen there that you know about while you were working at Vlakplaas? -- Yes, I mean there was a diamond dealer (30)  
whom we, we did go to Swaziland, to Lesotho, it was me and Almond and Joe. After that and then it was a hell of a trouble then they

make an appointment with him that they will meet him on Maseru next to Ladybrand. Then from there we were standing there, when we were standing there and then when that man go, come, Almond and Joe was sitting with him in his car and then I was sitting on this, on our own car which we were driving. So after that I heard them telling me that just follow us. Then I follow with our own car, but sometimes I pass them, sometimes they pass me, till next to Lindley ... (intervenes)

CHAIRMAN: Next to? -- Pardon?

Next to what? -- Next to Lindley.

Lindley? -- Yes it was Lindley. There was a gravel road  
which/...

(10)

K2.20

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TSHIKALANGE

which was going on left on the main way getting to Joh'burg. Then from there they go there, I never followed them, they told me that I must go, then I go straight to Pretoria, and then later they passed me, they passed me in Uncle Charlie robots.

MR ROBERTS: Uncle Charlie's, outside Johannesburg? -- Yes, they passed me there. Then they go straight. Going straight then they told me, and then in the meantime when I look and then they were only two. They were no longer three.

(20)

Which two? -- I mean it was now Joe and Almond.

Yes? -- And then from there they passed, they said no you must go straight to the farm, we'll get you there. Then I go to the farm.

CHAIRMAN: Now, where is Lindley? -- Lindley?

Mm? -- It's, Lindley is falling under Orange Free State.

I know. How did you travel from Ladybrand to Lindley? -- Well I think there is only one main road which pass next to Lindley and then Lindley is on your right-hand side.

(30)

No, no from Ladybrand how did you go? Which was the next

town? -- I can't remember whether we passed through Clocolan.

And then? -- Well I can't remember how did we go, but then I know that we go ... (intervenes)

But what is the nearest town to Lindley that you know of?

-- Well I can't remember.

But you must know? -- Pardon?

Are there any towns near Lindley? -- See that's many towns I mean I can't remember which one is the next to each other and so.

Just remember the nearest one you know. -- Maybe it might  
(10)  
be Senekal.

What?/...

K2.21

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TSHIKALANGE

What? Senekal? -- I'm not sure.

Yes? And then from, how did you travel through Transvaal when you came from Lindley? -- What I remember is that we passed Lindley, when we get into Transvaal there is a bridge.

Yes you have to go over a bridge. -- Yes.

Yes, and then which town did you get when you crossed the  
(20)  
bridge? -- I can't remember what is that town after passing the bridge.

Is it Villiers, was it Heidelberg or Sasolburg, Vanderbijlpark, Klerksdorp, Potchefstroom? -- If I'm not mistaken we did pass Sasolburg.

You passed Sasolburg. Ja. -- So from there, when they passed, they passed me on Uncle Charlie they said and then I must go straight to the farm. Then going to the farm I stayed there. I only heard later Almond and Captain Dirk came to me, it's when I heard that then they have killed that man, they've shot him with Tokarev and  
(30)  
Makarov or something like that. So we go together, it was me, Captain Dirk Coetzee and Almond, we go to the same place, Lindley,



we turn to that gravel road till to a sort of a plantation where, it was during the night, we found that the body was lying there, then there were a long plastic ... (intervenes)

MR ROBERTS: Sorry before you come to the plastic, did you see any injuries on the body? -- Well it was dark I can't tell you. He was shot in fact but I ... (intervenes)

Did you see any bullet wounds on the body? -- Well it was dark and then I couldn't investigate whether how did he shot and so on.

And then? -- Then they put him in that long plastic bag. (10)  
They put him in the boot. From there we drove to Durban.

Then /...

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Then we get him in Durban. I think we stayed there for a short while. I think there were some other groups also there. Then from there, they said they are going on this side of getting to Empangeni, upwards going to Pongola and so on. I said no well look, in fact I've got a girl-friend in Empangeni can't you drop me there, then I will make arrangements with those other guys if (20)  
they are going, they are coming up or maybe if you come back and then you will come and pick me up on this certain spot, as long as you told me at what time will you come back and so on. Then from there, of course we drove till Empangeni, they left me there and then I stayed there.

How long did you stay there? -- Pardon?

How long did you stay there, at Empangeni there? -- I think it was only a night. I left during the day or what, I can't remember how long did I stay there. It was, I mean on the time when we are moving to that side it was Paul van Dyk, Captain Dirk and then (30)  
me, we were three. So, well they proceed in fact.

Yes? -- Till, I mean I can't remember whether Silitatho have

come and pick me up or Sebeyio came and pick me, I can't remember.

And when they picked you up where was the body? -- When they picked me up?

Yes, because you had been, when you went up to Empangeni the body was in the car, right? -- Yes.

When they came back to pick you up where was the body? -- Look I mean that body was in the boot all the time, I mean when we get to C R Swart.

No. -- And then when we, we go, we left C R Swart, well I won't tell you whether did they take out the body, I never saw it/... (10)

K2.26

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TSHIKALANGE

it because they were, they around, they gone to the office, what they have done, I don't know of course. Or whenever we go up the body was still in the boot, well I don't know such. I didn't, I never saw when they took out the body.

So you don't know whether it was taken out of the car in Durban before you went to Empangeni or afterwards? -- Yes.

Did you ever hear what happened to that body? -- Well at a later stage I heard it was burnt somewhere in Komati or something like that. (20)

Who told you that? -- I heard from Dirk and Paul van Dyk.

CHAIRMAN: When you went back to Lindley to fetch the body, how did you travel? How did you drive? -- It was late at night.

Yes, did you go through Johannesburg? -- You see this thing have happened long time, I think there is only one way of course of going down.

Yes, but just ... (intervenes). -- We took it.

Pardon? -- I'm definite sure that we took the same way passing through Uncle Charlie. (30)

You went past Uncle Charlie? -- Yes.

And then Sasolburg? -- Sasolburg.

And then? -- See I can't ... (intervenes)

If you come at Sasolburg, do you go left or do you go right or do you go straight? -- I mean quoting the way I'll be mistaken but now I mean I'm just trying to say it, but I can't remember how did we go or what what, I mean as, I mean, I was not a person who used to travel that road.

Is Lindley near the mountains in the Free State? -- Pardon?

Is Lindley near the mountains in the Free State or in the flat/...

(10)

K2.28

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TSHIKALANGE

flat part of the Free State? -- Is Lindley?

Is it close to Lesotho or is it far from Lesotho? -- You mean Lindley?

Ja, Lindley? -- It's little bit far away from Lesotho in fact.

Is it on the flat land or near the mountains? -- It's sort of mountain is always on the right hand if you are coming ...

(intervenes)

Coming back? -- Yes.

(20)

And so you can, from Lindley you can see the mountains? -- I mean you can see, Lindley is on top, top hill in fact.

Yes.

MR ROBERTS: Sorry Mr Chairman, are you finished on that point?

CHAIRMAN: Yes.

MR ROBERTS: Thank you. Now, let's get back to the beginning of this story about the diamond dealer. -- Yes.

What was the deal with the diamonds? -- What I can remember this thing was, I mean we did go most of the time in Lesotho in connection with Moshoeshoe. Moshoeshoe, the one who was being blasted a time ago when he wanted to Chris Hani. So he was a Lesotho citizenship.

(30)

So he was also in Vlakplaas, he was staying there.

Yes? -- So I can remember (?) he came with that idea that and this diamond deal we can do this and this.

Who came with that idea? -- Moshoeshoe.

Moshoeshoe? -- Mm.

Yes? -- So from there one time we go to a certain hotel, with the name of Hilton hotel if I'm not mistaken, to see Lawrence his young brother. It was, first time it was me,

Paul van Dyk/...

K2.30

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TSHIKALANGE

(10)

Paul van Dyk and a certain white man, I can't remember his name.

So things didn't go well there, then we come back. Again there was another appointment, I can't remember the name of, or it's Leribe or Mole... I can't remember the name of the place, where we go to that to meet a certain chap again. Then that certain chap he said, then they said they have got that thing but anyhow a person work with that thing he doesn't live there. That chap came to that place, then in the meantime Almond was having 5 000 bucks there, they took it from Dirk.

He got the 5 000 from who? -- From, they took it from Dirk.

(20)

From Dirk? -- Yes, so that chap when he came there he took out those things, I mean we didn't have any idea of that things.

But anyhow the way he you know a person, a business- man used to try to make his things all right. It was seven small things.

So from there and then we found that Almond decide no we have to take these things.

So Almond decided to buy it? -- Ja, he decided to pay for that thing.

CHAIRMAN: Was Paul van Dyk still there? -- No on the second time he was not there.

(30)

MR ROBERTS: Now who was going to share in this deal? Who was going to get the profit from this deal? -- I mean we, it was me,

Almond, Moshoeshoe, I mean also Dirk he should have been included.

CHAIRMAN: It's you, Almond, Moshoeshoe and, and? Is that all?

And Dirk? -- Yes.

Now, who is Moshoeshoe? -- Moshoeshoe is a former policeman, in fact the one who was supposed to kill Chris Hani in (indistinct) (inaudible)/...

K2.31

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TSHIKALANGE

(inaudible) -- On the leg by the car.

Thank you.

MR ROBERTS: So did you have any money to put for this deal? -- (10)

Did we?

Did you, yourself, did you have any money to put into this scheme? -- No I didn't have, is that only money that Almond got it from Moshoeshoe got it from Dirk, they borrowed it.

So did Dirk lend you the money? -- Yes.

You, the three of you, or the four of you? -- Yes he did.

What happened to the motor car that this person had? -- Look what had happened, as I am telling you that after there was a, no straight things, we start when trying to move like that and then, they make appointment that and then he will meet them on this side, then they will be having money... (intervenes) (20)

CHAIRMAN: No, no, the motor car of the diamond dealer that went to Pretoria, what happened to that motor car afterwards? -- They took it, if I'm not mistaken, I've seen it in Koos Schutte's garage.

MR ROBERTS: And then, after that, what happened to the motor car? -- I heard it was sold.

Did Dirk Coetzee ever come to you and say where is my share of the money? -- No he's the one who have sold it in order that he must get his money back.

And what happened to the diamonds that you bought? -- He did have it, he said and then it's useless, I don't know where did (30)

he go with it.

So those diamonds were never sold at a profit? -- In fact I never saw any profit.

CHAIRMAN: /...

K2.33

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TSHIKALANGE

CHAIRMAN: No but do you know whether the diamonds were sold or don't you know? -- No I don't know what had happened.

MR ROBERTS: Now you have mentioned this incident which relates to Lindley. Were there any other incidents that happened in relation to the town of Lindley? Or near the town of Lindley? -- Which I know? (10)

Yes? -- Which I was not there?

Well, start off with ones which you were there. Were you there at any other incident at Lindley or near Lindley? -- There is another incident, but I was not there, that Joe have shot some other people in the car, like that, then which came to a point because I think he shot with a Makarov, then they change it, that the case must be taken by Almond, as Almond is a, I mean he have got identification of being a police, you know that, and then what they have done, I mean is what I heard from them in fact. (20)

Who did you hear that from? -- From Almond and Joe and even Coetzee, even discussed that thing in front of me.

So what did they tell you, what had happened? -- I know that they have shot some other people who have moving in their cars, drunken.

So who did the shooting actually? -- Joe did the shooting.

And it was decided that Almond would take the blame? -- Ja, will take the blame for it.

Was that on a different time that you were in Lindley, on a complete different occasion? -- It's not again on the same time. (30)

CHAIRMAN: Now when did this diamond deal take place? What year?

-- Well if I'm not mistaken it's still 1981.

And/...

K2.35

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TSHIKALANGE

And this other incident? -- I think it's also 1981, if I'm not mistaken.

MR ROBERTS: Can you tell us when the diamond deal took place, which part of the country were you supposed to be working in at that time? -- I'll be telling lies, of course I can't remember where we, where were we from or were we from Pretoria or were we, (10)  
I can't remember.

Why did you, Dirk Coetzee and you, go down to Durban with the body? -- Well I don't know, maybe as he have said that he, I mean if I could remember he have said that he must go and consult Mr. Van der Ho., Brigadier Van der Hoven and told him, as he told me, he told me like that about this thing which had happened.

CHAIRMAN: This shooting, or this killing of the man at Lindley, was that before or after Mr Mxenge's death? -- I'll, well I'll be telling lies I can't remember.

But, yes anything else.

(20)

MR ROBERTS: No further questions Mr Chairman.

CHAIRMAN: Could you just tell me, how many people have you yourself killed? -- On myself I was inside South Africa, what I know is only one occasion.

Inside South Africa? -- Mm.

That's the only person you killed inside South Africa or help kill was Mr Mxenge? -- Ja, that is the only.

And how many people did you personally kill outside South Africa? -- Well I never kill all the time outside.

You never killed. Did you never kill someone outside the (30)  
country? -- No.

How many people did you kidnap outside the country? -- No

I ... (intervenes)

So/...

K2.38

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TSHIKALANGE

So you never killed someone or kidnapped someone outside South Africa? -- On most of our mission it was unsuccessful.

Were your missions unsuccessful? -- Yes.

When you were at the police college, they taught you police work, is that correct? -- Yes.

What language did they use in giving the lectures? -- They  
(10)  
used to use English.

Did they use English? -- Mm.

Did you write examinations to become a constable? -- Yes I did.

In what language did you write the examinations? -- I did used to write in English.

Also in English. And you passed the examination? -- Yes.

You told us earlier of your illness which you talked about to your brother. -- Yes.

What illness is that? -- I mean I was, you know I can't describe  
(20)  
it, because I've gone more examination, to examine you know, what is wrong, blood tests and all things. Sometimes I used to fall down like that, you know.

Does it affect your memory? -- Yes I've gone to the what you call it, because there was problem also, I mean when I, it's not always, once I start to think too much or maybe get cross of course, it's when those things.

Yes Mr Kuny?

MR VISSER: Mr Chairman, I'm sorry Mr Chairman. Mr Chairman some things have now been brought out in the evidence which are now  
(30)  
rather hanging in the air. There are just a few matters ...

(intervenes)



CHAIRMAN: Such as?

MR VISSER: Mr Chairman the question of signing of blank  
forms for/...

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forms for S & T for example. We believe that we have to just put  
to this witness to allow him to answer ... (intervenes)

CHAIRMAN: I don't think the putting will take the case any  
further. I think I know what your case is. This is not an ordinary  
trial. So simply to put a lot of denials when they have already  
been put more or less, I don't think will assist ... (intervenes). (10)

MR VISSER: No Mr Chairman that wasn't the purpose. The purpose  
was just allowing this witness to, the opportunity of looking at  
the forms to see whether he recognises it or not. To put him in  
the best position to say I've seen such a form or not, Mr Chairman.

CHAIRMAN: Yes all right.

MR VISSER: It was a question of fairness to the witness. Mr  
Chairman I refer to EXHIBIT B98.

CHAIRMAN: Yes.

MR VISSER: And Mr Tshikalange what I want to do is for you please  
to look at this form and just tell the honourable Chairman whether  
you know that form from the days of your police career. Have you  
seen such a form before? Can I tell you what that form is supposed  
to be used for? It is a form in which when you sign that form  
you give somebody else authorisation to draw your salary on your  
behalf, your S & T on your behalf. Do you remember seeing such  
a form when you were in the police? -- Look let me explain like  
this. There was some other forms, so small which I remember, each  
and everybody, they just say sign it, or anyone you can sign. (20)

But do you remember signing forms in connection with your  
S & T when you were in the police? -- Well as I'm saying that I  
doesn't remember anything, it is very long in fact. (30)

Yes. Thank you Mr Chairman.

CHAIRMAN: Yes Mr Kuny.

RE-EXAMINATION BY MR KUNY: Mr Tshikalange, the first thing I want to ask you about is this illness that you say that you have. Is it an illness that has been getting worse, worse than it was in 1981? -- Well not so worse that it's disturbed my mind or something, I mean it's, I'm normal in fact, it's not so worse that it's  
(10) disturbed my mind.

But do you fall down sometimes? -- Ja I do fall down.

And do you know what's happening to you when you fall down? -- Well when it started I can feel that I'm becoming somehow now dizzy-like you know.

And then what happens? -- That I fall down, when I wake up then really I will know that and then what had happened, or that I did fall in fact.

And you know what happened while you are lying down? -- While I'm lying down, I mean when I'm starting maybe biting my tongue  
(20) and all that it's not what I see.

And when did this last happen to you? When is the last time it happened to you? -- It started to happen very more I think in the beginning of 1989 or 1988.

Yes, and the last time that this happened to you, when was that? -- Now I was here I think it did happen twice.

When? When you say here where do you mean here? -- Here in London.

In London? -- Ja.

Is this the first time you have ever come to London? -- Of  
(30) course it's the first time to be here in London.

And when you said that you spoke to your brother about your

illness and about the things that were worrying you,

was/...

K2.42

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TSHIKALANGE

was there anybody else that you consulted about this? Any other person? -- Well, I can say.... (intervenes)

CHAIRMAN: I'm sorry is that the illness or ... (intervenes)

MR KUNY: Yes, about the illness and what was worrying you? -- Mostly I used to consult my brother in order that, to see how can he help me, where could I go, and as I was trying, even Dirk also I did consult him and say look man could you find me a better doctor as I know that on our community being black is very difficult to get a doctor, a best doctor and then I did used to go to him hey look man I've got a problem. (10)

Well that's what I wanted to ask you, did you consult any doctor in your community? Any kind of doctor in your community? -- Yes I did.

Who, what, what sort of doctor did you consult? -- Well I can't recall their names, I know ... (intervenes)

No I don't want the name, what kind of doctor was he? -- I've gone to the, what they call the hospital where they told me and then I have to come next time for a test for epileps. (20)

Epilepsy? -- Yes, and then they took the, I mean I've consulted most different kind of doctors.

Did you ever go to a witch-doctor? -- Even the witch-doctor too, I did used to go there, it's our culture in fact.

Yes. Now, you were asked by the Chairman about how many people you have killed and you said you had killed one person only in South Africa and you never killed anybody out of South Africa. -- Yes.

Were you ever on missions either in or out of South Africa where people were killed, not by you but by other people? -- Of (30)

course I had been in mission, mostly I mean Swaziland was a playing ground of us.

Was/...

K2.47

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TSHIKALANGE

Was a playing ground? -- We used to go there.

Did you used to go there a lot? -- Yes a lot, where I could remember we were under surveillance of a certain chap ...

(intervenes)

Well I don't want to go into the details ... (intervenes) (10)  
-- Yes and thereafter, after anything had happened then they said no we must retreat, retreat and then after that when I see the newspaper and then that chap was have been blasted with the child and wife.

Blasted? What do you mean by blasted? -- Blasted in the car bomb, car bomb.

Car bomb? -- Yes.

Anywhere else where people were killed? -- Like in Botswana, I mean I was nearby they were shooting and they were having hand-grenades and what and then they were shooting, although I never saw what had happened. Then when, I mean what I want to say that I didn't go and check whether how many people have died there or whatever the case maybe. (20)

Yes. -- Just when we count I was holding what what like ... (intervenes)

Did anybody make a report to you about what had happened? -- No they didn't make a report, I mean when we are going back.

Now I want to ask you about this man Moshoeshoe. You say that he was, he had also been at Vlakplaas? -- Yes.

As what? What was he at Vlaplaas? -- Well he started there to work as informer. I think he was appointed as a policeman again, I think it might be around 1982. (30)

1982? -- Yes.

So before that he was an informer? -- He was an informer  
he/...

K2.54

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TSHIKALANGE

he was in fact Lesotho citizenship.

Lesotho citizen? -- Yes.

Now you called him Moshoeshoe, do you remember what his real name was? -- Ernest Ramthala.

Ram? -- Ramthala if I am not mistaken.

Something like that. And you say he had something to do with  
a blast when he tried to kill Chris Hani? -- Yes I mean he was  
hurt in fact, his ankle, I can't remember whether it's right or  
left, is out, he doesn't have an ankle, when he go this foot is  
always straight. (10)

Is that because the attempt to kill Chris Hani was  
unsuccessful? -- Yes I think he have done a mistake with that car  
bomb blast, in stead of blasting him then he blasted himself.

He blasted himself? -- Yes.

And was he charged, do you remember, in Lesotho? -- He was  
in jail and then according the story the South African Police paid  
the bail and grab him out or something like that. (20)

And he left Lesotho? -- Lesotho and then he come to Vlakplaas.

Did this incident with the diamond dealer happen before or  
after that? -- After that.

Now you said that in regards to ... (intervenens)

CHAIRMAN: Are you saying that after his escape from Lesotho he  
went back for this diamond deal? -- He was now at Vlakplaas, he  
was only making contact I had been his house to in Lesotho, but  
mostly of the time when mainly I go there inside whether there's  
something that he want, I used to left him at Peka bridge, there  
was a house there. (30)

But just listen carefully. -- Yes.

Was/...

K2.57

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TSHIKALANGE

Was he one time with you in Lesotho about the diamond deal?  
-- Look he himself of course, he never go inside and they can't go inside, he is afraid.

Now how did he make the arrangement with the diamond? -- He made arrangements while he were maybe in Ficksburg, I mean he knows people and then he do write letters or something like that.

MR KUNY: You said that the profits, if there were any profits from this, would have been shared between you and Almond and Moshoeshoe and also Dirk and what about Joe, would he have shared?  
-- He'll get something.

He would have? -- He should have got something.

CHAIRMAN Why? Why would Joe share? -- I mean we were on the same unit, I mean he can't just get inside the job without having share of something there.

Yes and Paul van Dyk would he share in the diamond deal? -- Of course on the time that we go there with him, if we did succeed of course he should have get share.

MR KUNY: But the time that you did go and you did the deal he wasn't there? -- The second time he was not there.

Who was there? -- It was only Joe, me and Almond.

Yes. -- Who went inside.

Yes, you remember that you told Mr Roberts that when you went to Durban to take the body of the diamond dealer then left Durban, Dirk Coetzee dropped you at Empangeni? -- Ja it was Dirk and Paul van Dyk.

Yes, now do you remember yesterday when you were being questioned by Mr Maritz it was put to you that Dirk said in his statement, the statement that he made on Mauritius that when he

went to take Mr Mxenge's car, do you remember? -- Yes.

That/...

K2.59

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TSHIKALANGE

That you went with him and he dropped you at Empangeni, was that correct? -- I also argue I said he might be including things as I said, even yesterday I said he is including things that when, then I even said, I think he not talking about the diamond and the diamond story and so on.

Yes. -- Because I know that when they go with Mxenge's car and what what, I was not with them. What I remember is that when, after picking the body, getting to Durban C R Swart, from C R Swart ... (intervenes) (10)

Don't bang on that. -- Sorry. Then I go with them to, on the direction to Empangeni where they left me there.

That was for the diamond dealer? -- Yes.

But after Mr Mxenge was killed and the car was taken up, you never went? -- No I never went with.

Now you have been asked a lot of questions about this article that Jacques Pauw wrote. You have seen the article, it's that one. "'n Askari Vertel'? -- Yes. (20)

I want to ask you some things about it. First of all, were you ever an Askari? -- No I was never an Askari.

Did you ever tell Jacques Pauw that you were an Askari? -- No I never told him.

Did Jacques Pauw understand that you were not an Askari? -- Of course he should have understand that I was a policeman not an Askari. A person who was working, I mean I was a policeman who was working with the Askari's.

Yes. Now in this article you are quoted, and you understand what I mean by quoted? It's using your words. -- Yes. (30)

Because it's got little commas to show that you are quoted.

-- Yes.

And/...

K2.60

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TSHIKALANGE

And you are quoted as talking about the time when you were Eugene de Kock's driver. -- Yes.

And in 1983 or 1984 you said that you once saw a body in his, the boot of his car which was wrapped in plastic? -- I don't know of such a thing.

Did you ever say such a thing to Jacques Pauw? -- No I never  
(10)  
said such a thing.

Now I want to point out something to you. Presumably, have you ever heard of Mr Maphonya and the death of Mr Maphonya? Has anybody ever told you about that? -- I don't know. I can remember maybe I've read it somewhere in the newspaper.

You mentioned his name, you said something when you were being questioned by Mr Roberts, about Mr Maphonya? -- Yes I think I read it somewhere in the newspaper.

Yes. I just want to tell you there has been evidence from Mr Nofemela that a Mr Maphonya was shot in the head and killed  
(20)  
by Eugene de Kock and that his body was then put into the boot of De Kock's car. -- Yes.

And we know that that happened, if it happened, which is denied, but if it happened it happened in October 1985. -- Yes.

Now you agreed yesterday with ... (intervenens)

CHAIRMAN: I think it was August 1985.

MR KUNY: Was it?

CHAIRMAN: September 1985.

MR KUNY: September, sorry, September 1985. You agreed yesterday that you were, you left the police force in June 1985, is that  
(30)  
correct? -- Yes.

And that you had already left Vlakplaas in about October



K2.61

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TSHIKALANGE

1984. -- Yes.

And we know of no other instance where Major De Kock had any body or was alledged to have any body in the boot of his car. Do you know of any occasion when this happened in your presence? -- No, I mean I was not there, I doesn't know nothing about it.

Yes, and would you have said that to Jacques Pauw if it hadn't been so? -- No.

Now you spoke about the trip to Botswana in 1981 and you told the Chairman when he asked you that you went into Botswana through the fence. -- Yes. (10)

How did you come out of Botswana? -- When we come out then ... (intervenenes)

How did you come out? Which way? -- We come again, the fence was cutted by Jan Coetzee and another lieutenant. They were still waiting for us there.

You went in through the fence and you came out through the fence? -- Ja, we were driving the bakkie Ford Cortina bakkie. (20)

Well, now you had a passport didn't you? -- Yes.

Was there any reason why you didn't use this passport to go in through the gate? -- Well the reason was that and then we were going for fighting there inside and then we can't go through the gate.

Yes. I want to ask you about your work at Vlakplaas again. When you were being cross-examined you spoke about two kinds of things that you did. The one was general surveillance. -- Yes.

When you went out with Askari's and other police. -- Yes.

Was that most of your work? -- It was most of our work (30)  
but/...

but there was work inbetween, there was many works inbetween that we used to do.

Now you spoke about specific jobs. -- Yes.

Those were, I think, your words. -- Yes.

Was that something different from general surveillance? -- Yes.

What were this specific, what kind of things were these specific jobs? -- See it's very difficult to explain that which is the really job that we have to do because there's many things that we used to do on the same branch like I mean as I have told (10) that then our work was only that we are going, against the terrorists, the people who are acting against the government, I mean how we work this many things we used to work.

All right. I want to ask you something more about the time when Mr Mxenge was killed. You spoke in your evidence and when you were questioned by various people about open ground. -- Yes.

I want you to explain a little more in detail what you mean by open ground. -- What I could tell is that we go on the same road which we were coming from the direction from where they said Mxenge lived there on top. Going down then we come to a gravel (20) road, a small gravel road which shows that it's not usually used, you know, so we get inside the other place ... (intervenes)

CHAIRMAN: Sorry, could I just, if you say it's not regularly used does that mean it has got a centre piece of grass a "middelmanneljie"? -- Ja it seems like that, I mean it was during the night and it was also raining a little bit, I mean it seems like that, I don't say, I mean as I am saying that

was/...

was my first time to be on that place. Then getting down, or

getting to that place the car were parked, I mean it's just like a round on this side, the car was parked, Mr Mxenge's car was parked there.

MR KUNY: When you say there, that doesn't mean anything on the record. Can you just describe? You are pointing with your finger. -- Yes.

What does that mean?

CHAIRMAN: Could I try? Could I ask? You drove, the car drove in a certain direction on this small road? -- Yes.

You show that and it seems as if you show that the car turned to the left to park. -- You see the way I've seen that place was little bit open and then there were grasses here on the sides. (10)

It seems as if you show that the grass is on the right-hand side and the open place is on the left-hand side. -- Right-hand side of the car.

No this is your left hand you were now showing... (intervenes) -- This is my right hand.

Yes, fine but just move the right hand if you talk about the right hand please. -- Okay, this is my right hand.

Is the grass on that side? -- There were grass on this side.

Yes. That's right. -- Then the car was being parked here. (20)

Next to the grass? -- The first one was Mr Mxenge's car, the following one it was that bakkie which I came on and then I parked it behind that white Audi.

MR KUNY: Now, just before you go on let me ask you, were the cars parked on the gravel or on the grass or next to the

grass/...

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grass, how ... (intervenes)? -- Next to the grass it was a gravel, I mean that ground was gravel. (30)

And where were the cars parked? -- Yes.

Where? On the grass or on the gravel? -- Next to the grass on this side, but I mean on gravel.

CHAIRMAN: I don't, it's very difficult this part of the examination. Did the road come to an end where this open piece was, or was it next to the road which went past that piece of land? -- I'm sorry, as I'm saying when we get inside there, we get to that place where the cars were parked, on this side it was an open ground.

Now how large was the open ground? -- Really I will never say it of course.

Bigger than this room or smaller than this room? -- No I can't remember how, I mean I never check it so much how it is, but I know that this space is here which was, I mean big enough of course. (10)

But could I just repeat the previous question? Was that the end of the road or did the road go past through this open ground? -- I can't remember whether it was on the end of the road but whatever I know is that where we were and then this was an open space.

On the left side of the cars? -- On the left side of the car.

Now after the murder, did you go, did you turn the cars around? -- Ja, we turn around. (20)

And went back? -- And went back.

On the same road? -- Yes.

MR KUNY: Now obviously you would have, when you got out of bakkie and there was that fight going on, you would have

concentrated/...

K2.71

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concentrated on the fight I suppose? -- Well I did concentrate when they are fighting because they did push him from the car, here the fight really go towards the left of this open place. (30)

And were you able to see exactly where each stab landed on

his body? -- What I can say, I saw a person, I mean stabbing, not that I was concentrating to see, you see beating here on the shoulder .. (intervenes)

Yes you just saw the stabbing motions. And what was Almond's reaction when Mr Mxenge pulled the knife out of his chest and tried to stab Almond? Now I know that you say he used the wheel-spanner, I don't want to know that again, but what was his reaction? How did he respond to that? -- Of course he did jump away in order that he must have a good standing till when he beat him on the hand and then that knife fall down.

(10)

Yes we know that, but now all I want to know was what was his own reaction? How did it appear to you? -- Of course he was angry, I mean that he, the man nearly ... (intervenes)

CHAIRMAN: I think Mr Kuny, may I try where I think where you are going? When the deceased took the knife from his, removed the knife and he wanted to stab Almond, did Almond, you said he jumped away and he was angry and he hit the deceased, is that right? -- Yes.

Did he not first go to the car, walk away from the scene and come back? -- As I am saying I can't remember going to the car.

(20)

No but just at that moment? Here the man removes this knife, wants to stab Almond. -- Yes I still remember he was going to him and then going to him Almond jumped to another side.

And/...

K2.74

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TSHIKALANGE

And what did he then do? -- What I could remember that, later when the deceased having the knife he beat him with the wheel-spanner and then the knife fall out.

MR KUNY: All right. Did you know, I think he was maybe a captain at that time, Vermeulen? -- Captain Vermeulen?

(30)

Lieutenant Vermeulen? -- Captain Vermeulen, I know him.

Within 1981 was he a captain, or was he a lieutenant or what?  
-- I think he became a captain 1981.

Do you know whether he was in Durban at the same time that you were, in November 1981? -- I think he was there, I mean the whole group was there, I mean all Vlakplaas group was there.

Do you remember seeing him there? -- You see I don't want to guess or what, I can't remember.

You can't remember. You don't know, or can't remember whether you went on any surveillance with him, or did any work with him then? -- If I'm not mistaken I know that he was there, (10)  
but I cannot remember so much, you see I don't want to tell lies of maybe agreeing or what, but I remember that the whole group was there.

I just want to ask you one more thing about these S & T forms. You have been asked a lot of questions, and there is just one I want to know. When you used to get your S & T money. -- Yes.

Whoever it was who gave it to you, did you used to check it to see how much you should be getting and how much you actually got, to see whether it was the same? -- All they used to do, they used to give us in envelope and then that envelope you will see (20)  
is written there how much.

How much the total was, or how much ... (intervenes) --

The/...

K2.78

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TSHIKALANGE

The total is, then we can stand there checking, said now why is this written, maybe you can say like that when you look at that thing which is written there.

But I want to know whether you used to check to see how that total was arrived at? -- To the form there?

(30)

Yes?

CHAIRMAN: Could I put it slightly differently? Did you ever see

whether they gave you too little money? Did you ever look to see whether they gave you too little money, or gave you enough money? -- I mean I couldn't how, I did see, I didn't never complain about the S & T or what, I mean through what I've seen I did in fact, it is like that in fact.

MR KUNY: Did you know how that, did you know how much you were supposed to receive every day for S & T? -- No I can't remember. I didn't, I think it was R1,50, I can't remember.

Oh yes, there is one other thing. You were asked also about this incident of Joe Pillay. Now you say that you and Koos Schutte took him back to Lothair. -- Yes. (10)

Where, did you take him straight to Lothair or did you go first to his house, Schutte's house? -- We did go first to Schutte's house. I can't remember whether we slept there for a night, then the following day we took him to Lothair.

Can you remember whether, when you were at Schutte's house, you saw anything on the television? -- I remember just a little bit but I doesn't want to continue with that, I know there was a little bit of things that he is wanted, in fact I did know that he is wanted back and that there is a hell of a problem, because there was some of the guys who were being arrested in Swaziland, one of our guys from Vlakplaas. (20)

You say a hell of a problem about the fact that he had been/...

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been abducted from Swaziland? -- Yes.

Do you remember when you were at Koos Schutte's house whether there was anything on television about that and that you saw that? -- I think, if I'm not mistaken, you know I doesn't want to say about it, but I know something did happen, but I can't remember so much. (30)

Mr Chairman I have no more questions.

CHAIRMAN: Thank you Mr Tshikalange. Thank you very much. You are excused.

NO FURTHER QUESTIONS

Mr Kuny, is the next witness ready or not?

MR KUNY: He should be available after the luncheon adjournment.

CHAIRMAN: But do you have any summary?

MR KUNY: No I was going to explain to you, we don't unfortunately have a summary. I'm afraid it just hasn't been possible to do one, but in view of the fact that so much of what he has said is already in the possession of everybody here, I don't think that anybody is likely to be taken by surprise, and that, I understood was the purpose of the summary. (10)

THE COMMISSION ADJOURNS FOR LUNCH. THE COMMISSION RESUMES.

CHAIRMAN: Mr Roberts, please swear the witness in.

MNR. ROBERTS: Watter taal praat u mnr. Coetzee, Engels of Afrikaans?

MNR. COETZEE: Ek gaan my in hoof Engels praat.

MNR. ROBERTS: Ekskuus tog u gaan wat?

MNR. COETZEE: In hoof in Engels getuig. (20)

MR ROBERTS: Are you prepared to take the oath?

MR COETZEE: Yes I am.

DIRK COETZEE: /...

K5.006

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COETZEE

DIRK COETZEE: d.s.s

EXAMINATION BY MR KUNY: Mr Coetzee, you were formerly a captain in the South African Police force? -- That's correct.

And when you left the country, that is South Africa, towards the end of last year, you indicated once the Commission had been established that you would be prepared to give evidence before (30)



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