

him? -- Yes.

I see. What does "imeni yethu" mean? -- I do not know.

You do not know. You do not know that it means "our day"? -- You say "our day", that I understand. "Imeni yethu" I do not know.

You would not have told Mr Pretorius that the two men in front of the Hippo were screaming: "Imeni yethu"? -- I do believe that I did say this but I do not know Zulu well.

Well, you know, Mr Xaba, it is getting more and more difficult to understand what you are really saying. You told (10 this committee that when Inkatha people attack, they scream: "Izondi Inkatha". -- But you are confusing me because what I said was "Izondi Inkatha" and I will explain how this came about.

If you insist, go ahead. -- "Izondi Inkatha" is what was said when an attack was launched at a tavern. "Imeni yethu" is what was said when the people were moving in the night.

Alright. Let me ask you this question and step off this issue. Did or did not, the two black men in the white overalls in front of the Hippo on the evening of the 17th, say "Izondi (20 Inkatha"? -- ("Izondi Inkatha"?)

That is what I said, Mr Chairman. -- What I am saying is "ihizonde Inkatha", what was said in the night was "imeni yethu".

Where do you think, where do you believe the members of Inkatha live? I should add near Boipatong or in Boipatong, in that vicinity. -- They live in the KwaMadala hostel.

There you are. Right. And was your evidence, did we understand it correctly to say that all the attacks in the area where you live, come from the Inkatha members? -- Yes, that is so.

You have no knowledge of any attacks perpetrated by any (30 other/....

other group of people than Inkatha people, is that what you are saying? -- Yes.

Well, that may be confusing. Do you know of attacks in the area of Boipatong, perpetrated by other people than Inkatha? -- There are people who sometimes attack people, other than the Inkatha people.

Alright. Who are these people that you know of that also perform attacks in the Boipatong area? -- It is people who openly attack, who do not first wait for darkness before they attack and these are people we know. It is groups of young (10 men.

Comrades? -- I would say so.

Who live in Boipatong? -- According to my observations they are not people of Boipatong.

Are they again the people from Sharpeville and Sebokeng that you are referring to now? -- I would not say so.

And where do they come from then? You are a policeman, you should know. -- I don't know.

Don't you make enquiries? -- I would not ask, I am just a policeman with no self-defence weapons. (20

MR ROSSOUW: You are not a detective, Mr Xaba? -- I am not a detective in actual acts. It may be said that I am one.

MR VISSER: And these youngsters, these comrades, they carry firearms? -- Yes.

And you as a policeman assume I take it, that they are all licensed firearms? -- I don't assume that.

When you as a policeman see this happen, why don't you make enquiries? Find out where these people come from, where they live? -- I just did not have the thought to be enquiring into that. But let me ask you to tell me who did I have to (30

ask/....

ask?

A very strange reply, Mr Xaba, coming from a policeman. Are you saying here today under oath, that you know of no weapons, no firearms at all possessed by residents of Boipatong? -- The people in Boipatong do not possess firearms. I know them they know me because we grew up together.

But the people in Sebokeng do possess firearms, is that right? -- I cannot say the people of Sebokeng possess firearms. Because..(intervenes).

Well, you know..(intervenes). -- Whenever I am referring (10 or I refer to people that I do not know, then I would say they are either people from Sebokeng, from Sharpeville or from Sasolburg, because I do not know the people.

Alright. Now these strange groups of people that you observed with firearms in Boipatong on the 19th of June, 1992 what were they doing? -- People that were attacking police at their residences, they wanted guns and/or ammunition.

Were they members of Inkatha? -- I do not think they were Inkatha members. What they were doing then, was being done openly where they could be seen by anybody. (20

So we now know of two groups of people responsible for attacks in Boipatong during that period of time, June 1992? Do you agree with that? -- Yes.

Right. Is there a defence unit in Boipatong? -- I would say yes and again say no, because I know of a defence unit such as members of the police but they are as good as not there.

Let us start off with the "yes". Yes, there is a defence unit in Boipatong, where, what does it consist of? Can you explain to us? -- I have already said the defence unit that I know of is the members of the police who are to defend the (30 people/....

people there, there is such a unit of the police.

I see. And the "no", was that a reply to their not being a civil or a residence defence unit run by the residents of Boipatong. Do I understand you correctly? -- This "no" has also represented what I said about the police.

If there was a defence unit of the residents of Boipatong would you have known about it? -- I would.

Okay. Do you know of any defence units in the Vaal Triangle? Run by residents? -- No, there isn't one according to me because people are being killed still. (10

Yes. Well, I just want to put to you that it has been in the press, on the television as well, of internal strife among members of the ANC in the Vaal Triangle, particularly from the side of the defence, civil defence units.

MR ROSSOUW: How is this relevant, Now, Mr Visser?

MR VISSER: Well, Mr Chairman, there is an allegation here that attackers came from the KwaMadala hostel, that they are Inkatha members, those are my clients. I am investigating with this witness the various people who it may have been other than the KwaMadala hostel dwellers, Mr Chairman, with respect. I would(20 submit that that is not only relevant, it is crucial to the issue. If we have people running around with firearms, the day after, who can tell whether they were not there the day before? Who can't tell that they were the attackers?

MR ROSSOUW: How remote are we going to go about this?

MR VISSER: Well, I am on the defence units now, the civil defence units Mr Chairman.

MR ROSSOUW: Yes, but we have now moved away from Boipatong, we are into a very wide..(intervenes).

MR VISSER: That is on a question of credibility, Mr Chairman.(30

Here/....

Here is a policeman who tells you he has no idea of civil defence units in the Vaal Triangle. We will make our submissions to you. I am leaving that because I will make a submission to you on credibility at the end of - when the time arises, Mr Chairman.

MR ROSSOUW: Right. let us get on.

MR VISSER: Let me ask you this question: Do you know of strife and fights between ANC members in Boipatong? -- I have no such knowledge.

Do you know of attacks by residents of Boipatong on (10 Inkatha members of KwaMadala hostel? -- No. I don't.

You have never..(intervenes). -- I do not have any knowledge of that.

Have you never heard at all of attacks by residents of Boipatong on residents of the KwaMadala hostel, is that what you say? -- That has not happened.

Let me make it absolutely clear and then I will step off this issue. Do you have knowledge of residents of KwaMadala hostel who have been killed by residents of Boipatong? -- I do not know. (20

I see. Do you have knowledge of an incident that took place elsewhere where the residents, ANC members attacked Inkatha members? Not Boipatong, in the Vaal Triangle. -- I do not have that knowledge.

I see. You have never heard of the Cross Roads massacre in April?

MR CHASKALSON: Mr Chairman, is it being put to this witness that people from - is he saying that people from Boipatong..?

MR VISSER: No, the question is now wider.

MR ROSSOUW: I don't know, I must say I don't know whether (30

Mr/.....

Mr Visser is just testing this witness's general knowledge at the moment but I do not see a relevance.

MR VISSER: Mr Chairman, a policeman stationed in the Vaal Triangle, comes to the commission and he professes to have absolutely no knowledge of what is general knowledge going on in this area, Mr Chairman. If that does not reflect on his credibility, what will?

MR ROSSOUW: Mr Visser..(intervenes).

MR SITHOLE: Cross Roads, is not in this area Mr Visser.

MR VISSER: Pardon? (10)

MR SITHOLE: Cross Roads is not in this area.

MR VISSER: It is not in the Vaal Triangle?

MR SITHOLE: No, no.

MR VISSER: I stand corrected.

Alright. The - yes, well I am not going to take that matter any further.

(To witness): The fact that Inkatha people or residents of KwaMadala hostel take girls from the township, is that something that is a very upsetting feature to the residents of Boipatong? -- It is not acceptable practice, yes. (20)

Yes. Mr Chairman, if you will allow me, my attorney just draws my attention, I think I must put this on record in relation to the previous question which I had, just to round that off. We are referring to a copy of the Front Line, Mr Chairman. I haven't got - is it 15? It is EXHIBIT 15 I am told, Mr Chairman, and in the first column, the first, second, third, fourth and what I am going to do to save time is I am just going to read this part and the relevance of my questions will appear, Mr Chairman. It is stated here:

"On June 13 to 14 the weekend before the massacre (30
at/....

"at least three people were murdered in Boipatong. The first was a woman named Nomvula, accused of consorting with an Inkatha boyfriend and despatched in the small hours of Saturday.

The second was David Mbele, a 37-year old Boipatong resident and school teacher who had tenuous if any, structural connection with Inkatha but was known in the township as really Zulu, following the culture of the forefathers. His home was attacked by 300 to 400 people on Saturday afternoon, he was shot while running away and when a fire-engine arrived the crowd chased off. (10

The third was B L Khumalo, an Inkatha member, the burnt-out body retrieved by the police from his burnt-out Passat at 2:35 on Sunday."

And then the last paragraph says:

"Two more presumed Inkatha sympathisers were allowed to live and see their homes burnt down, one in Boipatong, Seggo Street, one in Matthew Street in nearby Bophelong". (20

That is the background to the questions which we have been putting to this witness, Mr Chairman. But strangely enough the witnesses that have appeared before this committee if I may be allowed to make this remark, Mr Chairman, know nothing about violence other than the one incident on the 17th of June and we were just under-scoring that strange phenomenon.

(To witness): Right, we are onto the girls now, and you say that is an unacceptable practice? -- Yes.

Are the residents of Boipatong upset about that, do you think? -- Not just that. (30

What/....

What else? -- That people should just be attacked in the township by being shot at.

Alright. Let us just stick with the girls first. What did the residents of Boipatong do, if anything, to stop this practice of the KwaMadala people taking their girls away? -- The people have not done anything to stop this because we do know what people, unruly people can do when they are in possession of guns.

So what you say is that the Boipatong residents have just accepted this situation? -- They are not pleased with this .(10 practice, but what can they do, if they do not have guns against people who have guns.

And if we understand your evidence correctly what makes it worse is that when these girls are taken to the KwaMadala hostel it turns out that they become members of Inkatha, is that what you said? -- I have said that the perception of the people is that this is what happens.

Yes. And that must surely infuriate the people that you are talking about? -- I think so, but I don't know.

Do you know whether they are doing anything about that? (20 -- What they are doing about it to stop it or what?

Yes. -- I personally don't know but in my view nothing can be done because the people do not have guns in Boipatong.

Yes, so they just accept that situation as well. -- No this practice has been continuing. I have also been there when people are confronted with guns there is nothing they can do.

Alright. Just give the committee some idea, how many people, is it a lot of people, or just a few people, of those that have been taken out of the township to KwaMadala hostel who have become members of Inkatha, is this a lot of people or(30 just/....

just a few people, what is the situation? -- I know of two people who have turned into Inkatha members by having gone to stay in the hostel.

And who are they, George? -- George and Nana.

Nana. But you also told this committee yesterday that girls were taken by residents from..(intervenes).

MR CHASKALSON: I wonder whether my learned friend might possibly use "men and women" rather than girls.

MR VISSER: He used "girls" Mr Chairman. I'll use women, it is not a problem but he referred to "girls". (10

(To witness): You testified yesterday that residents of KwaMadala hostel would come to the shebeens, would pull out firearms, would demand just what they wanted and would take women with them to KwaMadala hostel. Is that correct or not?
-- Yes, that is so.

That is apart from the two persons you have just mentioned.
-- These two people that I mentioned would also be in the group that would be coming to do this.

Right. Then you told this committee, please stop me if I am wrong, that these girls would - these women would then become⁽²⁰ members of Inkatha.-- I did not say that.

Alright, so you want to change that, fine.

MR CHASKALSON: No, he did not say, he said that there were perceptions of that they had become.

MR VISSER: Be that as it may, Mr Chairman. Did you not also tell this committee that the worrying thing about that was that these people attended ANC meetings and then went back and reported to Inkatha what was happening at the ANC meetings. Did you say that or not? -- What I said here yesterday was that the people in the township have that feeling about these (30
women/....

women. Now you also wanted to be saying to me that I attend political meetings which thing I do not do.

I put it to you that there was ample reason for the residents of Boipatong to do something about what the perception was Inkatha members were doing to them. -- That they should take action or not take action?

Yes. -- What are you saying?

To take action. -- You say they have every reason to take action. What I say is they cannot do anything against armed people. (10

Why don't they call in the help from Sharpeville and Sebokeng? They have people there with firearms, that seemed to be roaming around Boipatong? -- I have no knowledge of Boipatong having such people as you say outside. If, like a person who would associate with thieves, must also himself be a thief, if the people of Boipatong are in possession of guns, then they ought to have people elsewhere in possession of guns.

I do not know what that answer means. Let us come to the attack of the 17th of June. What you saw, stop me if I am wrong, is on one occasion two people running in front of a Hippo or a Casspir, who were blacks, dressed in white overalls, is that correct? -- Yes, I saw two people running in front of the Hippo. (20

And a little later you saw a group of approximately 50 people also dressed in white overalls, some with white head-bands some with vests. -- That is so yes, I did explain all this. I can't understand why I have to be hammered on the same thing all over again.

Well, perhaps we will find out in a while. Mr Chairman, I have got to make a correction. The last question I put was on/....

on white head-bands. That is wrong, it is red head-bands. But nothing turns on it really.

(To witness): You said to Mr Pretorius, according to you your aide memoire that these people were dressed in strange apparel, referring to the two in front of the Hippo, strange apparel. -- Yes, that is so.

I am not going to hold you to the word "apparel", what I am interested in is what you found strange about it. -- What is strange is that I have no knowledge of a firm that has white overalls as its either uniform or clothing for the workers. (10

Was that the first time that you saw such white overalls in the streets of Boipatong, on the evening of the 17th of June? -- It was not the first time. Do you want me to go back and explain this?

Well, you know, Mr Xaba, you know you are very clever. The point is this: You said it is strange, it was strange, and you have just confirmed it today, to see white overalls that evening on the 17th of June, is that correct? -- I am not very clever, I think I am clever. (LAUGHTER).

Did you see white overalls before the 17th of June in (20 Boipatong, worn by people? -- I did not see them before the 17th.

I see. Not in Boipatong? -- Let me ask you a question so that I understand you better. (LAUGHTER).

MR ROSSOUW: No, no Mr Xaba. Please just answer the questions because that is quicker.

MR VISSER: Let me repeat it to you, let me repeat the question to you so that there is no confusion in your mind: I am asking you about whether you saw white overalls before the 17th of June. The first question is: In Boipatong? I think you (30 have/....

have already said no. -- I have seen people before the 17th round about January, but you said did I see people in white overalls before the 17th? This could have been the 16th. I did not see them then.

Have you ever seen residents of KwaMadala hostel in white overalls? -- Yes.

Large numbers of them? -- Yes.

Do they normally walk around with white overalls? -- I had frequented the KwaMadala hostel, this is where I saw people in white overalls. (10

Why didn't you do the simple thing of telling this committee when you gave your evidence about the people you saw on the 17th of June, they came from the KwaMadala hostel, I know that because they wore white overalls. -- I was not asked any such a question that would have made me respond in that manner. I was asking - I was expecting such a question.

Yes. And now, let me tell you another strange feature of what is happening here at this commission: You are the only one of all the witnesses that has made reference to white overalls. -- What other people have said is up to them, what I (20 have seen is what I personally saw. Nobody else can tell me what I saw, not even a witness from my street.

The two people, the two whites that you saw on the road behind the Casspir, did they have anything on their heads? -- (The people behind the Casspir?)

Yes, Mr Interpreter. -- They did not have anything.

Certainly not balaclava's? -- I do not know what balaclava's is.

Alright. Just one last aspect. This clock that you referred to in your evidence, is this clock as I understand it (30 situated/....

situated or hanging on a wall in the main house? -- That is where it is now.

MR ROSSOUW: Where was it on the night of the 17th? -- It was in my shack.

And the radio and the TV were in the main house? -- This was in the main house, yes, Mr Chairman.

MR VISSER: Were you used to reading the time off this wall clock regularly, on a daily basis? -- No, I was not.

Yes. But the point is that you told this commission that on the evening of the 17th when you woke up it was about (10 11 o'clock, more or less 11 o'clock. -- Yes, that is so.

Yes. All that we are trying to establish was whether it was probable that that clock was correct that evening or whether it might have been wrong, the time might have been wrong.

MR ROSSOUW: We have had cross-examination, quite full cross-examination on that.

MR VISSER: I know about that Mr Chairman, what I am - I am just trying to elucidate that a little further if we possibly can by asking him this question, if you will allow me: Do you remember today as you are sitting here, that that clock was (20 broken at any time in June?

MR BHAGWATI: ..The watch which was broken. He didn't say the clock was broken. The watch..(intervenes).

MR VISSER: I know his watch was broken, Mr Chairman. If you don't want me to ask the question, I will leave it. I will leave it, Mr Chairman.

MR ROSSOUW: Put the question.

MR VISSER: I am trying to assist the commission.

MR ROSSOUW: Put the question please, Mr Visser.

MR VISSER: We know your watch, your wrist watch was broken (30

Mr/....

Mr Xaba. Would you please translate that to him.

INTERPRETER: I am waiting for you, Mr Visser, you are not going to instruct me.

MR ROSSOUW: I think we will take the adjournment and I hope that you will be short afterwards.

THE COMMISSION ADJOURNS

THE COMMISSION RESUMES

NTIETSA MOSTER XABA, still under oath:

EXAMINATION BY MR VISSER (Cont.): Mr Chairman, I am all but finished. I have just got four issues which I just want to raise shortly with the witness, if I may. (10

When you looked at the clock in your shack on the 17th of June, you said it was more or less 11 o'clock. Do you remember that? -- Yes, that is so.

That gives the impression that it was approximately 11 o'clock is that right? -- Yes. On the watch it was 11.

Yes, was it slightly before or slightly after 11 when you looked at the clock, or can't you remember? -- It was just slightly before 11, it could perhaps have been about two minutes before.

Yes. Now, if you can't help us, say so, but if you could (20 we would appreciate it. You then went out of your shack, saw the Casspir with the men on the road and went back to your shack, stayed there for a while and came out again, when you saw the huge group, or the 50 men in the street. -- Yes, that is so.

What I want to ask you - yes, what I want to ask you is can you give us an idea in minutes, if you could, how long that would have taken until you got back into your shack. I'm sorry until you saw this group of 50 people, from the time you woke up. Was it ten minutes, five minutes, half-an-hour, more or (30 less/....

less. -- I don't understand you are you talking about the time I spent in my shack..?

Putting it very simply: You woke up at around 11 o'clock.
-- Yes.

And eventually that evening you fell asleep while there were shots still ringing out in the township, do you remember that? -- Yes.

How long did it take from 11 o'clock until you fell asleep hearing shots, more or less? -- I would estimate up to the time that I sat on the bed to have been four minutes. (10

Is that when you sat the last time or the first time? -- The four minutes is the time that I spent in all these things, when I sat on the bed.

Right. This list which you referred to in your aide memoire that you saw in the possession of the comrades from Sharpeville do you remember mentioning a list? I don't know whether you mentioned that in your evidence-in-chief but it is in the aide memoire, page 2. More or less three-quarter down the page, Mr Chairman. It says they said they - that they knew him and they were going to kill him. "I noticed that they had a list (20 and they said they were not yet finished".

MR ROSSOUW: Have you found the place, Mr Interpreter?

MR INTERPRETER: No, no not as yet Mr Chairman.

MR ROSSOUW: It is on the second page and I would estimate that it goes up.

MR ?? : May I just point it out?

MR SITHOLE: 15 Lines from the bottom.

MR ROSSOUW: 15 Lines from the bottom. -- I see it now.

MR VISSER: Yes. Is that in fact correct, that you saw a list in the possession of these people from Sharpeville? -- Yes, (30 that/....

that is so.

What did you understand that list to be, what was it a list of? -- I thought it was a list of the addresses of police.

Now what did you think did they want to do with that list? -- I thought that with the help of that list they would be able to get to the police's houses.

To kill them? -- I do not know, I cannot say.

But Mr Xaba, didn't they say so? -- (Mr Visser continues).

Just look a few lines higher up. In fact the very next - two lines higher up: (10

"They then pointed out Sello on the photo (looking at a photo in your room). They said they knew him and they were going to kill him."

-- Yes, that is so.

And was Sello's name on that list, do you know? -- I could not read this list and I don't know if it was there.

Just two other issues: Do you have personal knowledge as a policeman that shots were fired at the police during June before the massacre in Boipatong? -- I have no knowledge of that. (20

Yes. And the last thing: I want to put to you that when you were asked to describe the weapons which the people in the white overalls had in their possession, as far as my knowledge goes, and I may be corrected if I am wrong, Mr Chairman, you never once mentioned that they had spears or assegai's. Am I correct? -- I did not.

Is that because you did not see any spears and assegai's? -- Yes.

Thank you, Mr Chairman.

MR ROSSOUW: Thank you. Mr Pretorius?

(30

MR/.....

MR PRETORIUS: Thank you, Mr Chairman. Mr Xaba, when you started giving evidence yesterday you started, after certain sentences, you said that the police are partial, they have those they like and those they don't like. Can you just specify who they like and who they do not like? -- This is my perception and in my understanding it is the Inkatha they like.

I see. Now, just before the massacre, about eight people were set alight in your area, is that correct? -- Yes, I would estimate the number of people at eight.

All Inkatha members? -- This is what was thought. (10

By whom? By whom were they set alight? -- I don't know, I got there after they had been set alight.

Right. At a certain stage you were suspected of being an Inkatha member, is that correct? -- Yes, that is so.

Now, tell us about that, please. -- Firstly it was as a result of me having alighted from public transport at the garage. This was in the night and I was coming from work. I noticed a person getting or going through a fence. He seemed to be carrying something and he was coming from the direction of a pawn shop. It appeared as though he had gone there to (20 steal.

And did you follow him? -- We walked in different - in opposite directions. I did not follow this person.

Right. Was a meeting eventually held in the community about you being suspected as an Inkatha member? -- No.

How was it resolved that you weren't suspected as an Inkatha member anymore? -- I spoke to the people who had been brought under the impression that I am an Inkatha member.

Were you worried that you were being suspected of being an Inkatha member? -- I was yes, very worried. (30

Why/....

Why? -- As a member of the police I am not supposed to belong to organisations.

Now, you have been accepted, you as a policeman, have been accepted back in the community, is that correct? -- Yes, that is so.

You know the community of Boipatong, you were born there and you lived there all your life, is that correct? -- Yes, that is so.

Do you favour the local community of Boipatong above the inhabitants of KwaMadala? -- Yes, that is so. (10

Hmmm. Now we come back to your second statement. "The police are partial, they have those they like and those they don't like". -- Yes.

So you are partial to the other side, is that correct? -- Yes, that is so.

No more questions, thank you, Mr Chairman.

MR ROSSOUW: Mr Chaskalson, any questions?

MR CHASKALSON: Yes, thank you, Mr Chairman. You were cross-examined about the meeting I think that you said took place at Houtkop, the meeting of the policemen? -- Yes. (20

And you told us that it was a meeting at which many grievances had been raised by policemen. -- Yes.

And that reports were made to you about that meeting but that you personally had not been present at it. -- (And that a few..?)

That reports were made to you about that meeting, but that you personally had not been at it. -- Yes.

And you also told us during the course of your evidence about grievances concerning the execution of your own duties. -- Yes. (30

Yes/.....

Yes. Now, is it correct that these are grievances which are not confined to yourself but go to a number of black policeman in the Force? -- Yes, that is so.

Yes. You see, I have minutes of that meeting, have been made available to me, of the Houtkop meeting and I want to ask you first of all, it records that there were 190 members from different stations in the district. I don't want to ask you about numbers, but was it a small gathering or a large gathering of policemen, as reported to you?

MR HATTINGH: Mr Chairman, with due respect, may we just (10 be advised what the relevance of this is, in relation to the particular inquiry we are busy with?

MR. ROSSOUW: I am also wondering, Mr Chaskalson?

MR CHASKALSON: Yes, the particular inquiry concerns..(intervenes).

MR ROSSOUW: May I just first establish: Is this a meeting, an internal meeting of policeman to iron out difficulties, ordinary difficulties?

MR CHASKALSON: I beg your pardon, Mr Chairman?

MR ROSSOUW: Was this an ordinary meeting that an organisation(20 such as the police force would hold to have internal difficulties ironed out?

MR CHASKALSON: It was a meeting described by this particular witness.

MR ROSSOUW: You have got the minutes?

MR CHASKALSON: Yes.

MR ROSSOUW: I am asking you, was that what it appears to be?

MR CHASKALSON: Yes - well, it appears to be a meeting of 190 members from different stations in the district, it says who presided and who was the chairman, and it is the very meeting(30 he/....

he has given evidence about and has been cross-examined about at great length. The validity of his answers have been challenged it has been suggested that he has not been accurate and that he has exaggerated things and as I read these minutes to you you will draw your own conclusions in that regard.

(To witness): Now, first of all they deal with one of the issues which is dealt with and you told us about problems which had not been solved. Let me read you this and then ask you whether it was a problem of the type you are talking to. First of all I will deal with their recommendations, well, no let (10 me deal with the problems first:

"Problems: Firearms are still a necessity. There are still members who are not armed, e.g. Sebokeng police station, Evaton municipal police station as well as members of the mobile unit."

INTERPRETER: Is it patrol units?

MR CHASKALSON: Mobile unit.

"Members of the mobile unit have been disarmed by their commander, Captain Kloppers."

MR MOSTERT: May I interrupt for one moment and may I make this⁽²⁰ enquiry, and I am asking because I don't know. Did this witness say that he was present at that meeting?

MR CHASKALSON: No. He didn't say he was present, he said that a report was made to him and he was then cross-examined extensively on that report and he was also cross-examined extensively on the sort of grievances which he had and it was suggested to him that those reports which he had made for instance about whether or not the guns should be removed from Sebokeng or from Sebokeng and Boipatong as well were incorrect. It was suggested to him in cross-examination that there were many other matters⁽³⁰ which/....

which he has talked about and which are dealt with here.

MR ROSSOUW: Were they not all collateral issues?

MR CHASKALSON: Well, there is one that is certainly not collateral and let me put that and then you can decide for yourself whether it is or not.

MR ROSSOUW: But it is still a meeting where he was not present and everything that he tells us about the meeting is hearsay.

MR CHASKALSON: Well, that is right, Mr Chairman, but we are at a commission and I am going to put up the document, I believe it is relevant to this inquiry and the commission will call (10 people who can talk to it. He has reported and he has been cross-examined on it.

MR MOSTERT: May I just say, it seems to me that this is a double collateral issue with a tremendous sandwich in between of hearsay evidence. Now if that is ever going to assist you and your commission in resolving the matter, I don't know and I can't see it.

MR ROSSOUW: Or getting to the end of this inquiry.

MR MOSTERT: Or getting to the end of the matter. Everybody seems to be rather like a foxterrier chasing a stick into a (20 dam.

MR ROSSOUW: Well, I was thinking of golden syrup more, you can't rid of it. But let us - Mr Chaskalson, put your..(Mr Chaskalson intervenes).

MR CHASKALSON: Well, Mr Mostert himself has been reading from newspaper reports to witnesses, I don't know why he objects to my reading this.

MR MOSTERT: But very relevant ones.

MR ROSSOUW: Depending on the relevance.

MR CHASKALSON: Well, this is very relevant. Listen to it (30 and/....

and I think you will agree.

MR ROSSOUW: Alright.

MR CHASKALSON: "Recommendations. Whenever there be an operation, black members must be in charge or be appointed to point out areas which they know to be dangerous. Not that white members should point out places to be searched and leave out other areas, e.g. KwaMadala, which has never been searched, and that KwaMasiza be searched. White members do not know black residential areas, (10 we know our place better than whites."

MR MOSTERT: Magnificent ANC stuff, I am sure the -(LAUGHTER)- propagandists in the ANC are jumping up and down with sheer delight, but how does it help this committee?

MR CHASKALSON: Because we have had evidence on it, the witness has said that that is what has happened, the witness has been accused of being partial and of taking one view. I am putting to him that this was a recommendation of 190 members of the local police, and that the view is shared by a lot of other people and I think the commission will - well, what I will do (20 is I..(intervenes).

MR ROSSOUW: Will you hand that in?

MR CHASKALSON: I will give this to the secretary to the commission and he will then decide whether or not to call evidence along those lines.

MR ROSSOUW: Thank you.

MR CHASKALSON: But it records the - a great deal of matter which was covered with by this witness, where his credibility has been challenged and I want the opportunity to put this document, I suggest you read the document yourselves, gentlemen (30 and/....

and you will see from it, the relevance of it to a number of issues which were raised in cross-examination with him as well as other direct issues. I will give it to the secretary to the commission and he will decide what to do with it.

MR ROSSOUW: Any other issues, Mr Chaskalson, with this witness?

MR CHASKALSON: I beg your pardon, yes, I do have other matters Mr Chairman.

MR ROSSOUW: Carry on, Mr Chaskalson.

MR CHASKALSON: Yes. Mr Chairman. I think that you told us, it was put to you in cross-examination by my learned friend, (10 Mr Hattingh that the reason that you were giving evidence was because the ANC had pushed you into giving evidence. I want to know first of all before you made your statement to the police, had anybody from the ANC asked you to make that statement? -- No.

When you were - you told us that you made your statement to the police and then some time later, and you could not remember the time, that you saw lawyers who has now been identified in the evidence as Caroline. When Caroline saw you, what was your response to her request for information? -- I had the feeling (20 that this might be a person I can speak to who can take this report further, she could take it wherever.

Yes. Now, you were also questioned about whether you as a detective should be investigating shootings in Boipatong. First of all before - for most of the time before June the 17th I think you told us you were stationed at Evaton. -- Yes.

Was it ever part of your official duties as a detective or as a special constable to conduct investigations in regard to killings in Boipatong? -- (..in, in Boipatong?)

Yes. -- Yes, that is so.

(30

And/....

And what did you have to do? -- I had to find out from people what happened, go wherever there had been damages to see the extent of the damages.

Yes, and what did you then have to do? -- Then I had to go and report to the police, if there be damage what the cause of the damage was.

Yes, and did you do that? -- No.

Why? -- I - I had this in my mind, that these damages had been caused by the police and I felt that I could not go and report these damages to them. (10

Are you talking about the June the 17th incidents? -- Yes.

I see. Now, in the course of your evidence, you were asked about self-defence units, and you said that the only self-defence unit you knew of were the policemen there but that they were not really capable of defence because they did not have guns? -- No, I did not say they could not act as defence units because they do not have guns but I said they could not do that because they are not prepared to do that.

I see. And have you heard - you said you had not heard of - I want to ask you another term: Have you heard of something (20 called "patrols"? -- Yes.

What are patrols? -- Well, I know patrols in terms of police language. We may be given instructions to go and patrol the township in Hippo's.

Have you heard of it in any other context? -- No, I have not.

As far as..(intervenes). -- I have not heard of them.

Right. Now, as far as your evidence was concerned about the events of the night, you were asked to give first of all distances as to where people - a distance of people in front(30 of/....

of the Hippo, a distance of people behind the Hippo, as far as those distances are concerned, can you tell us whether those are accurate or estimates? -- They were only estimates.

Now, there is just one thing I want to ask you and that is this, that you have told us an account, you have given us an account of what you saw that night. Do you have doubt in your own mind concerning the fact that you saw a Casspir, that you saw men with arms, that you saw a group of some 50 as you have described it, is there any doubt in your mind about having seen those things that night? -- No, I have no doubt. (10)

I have no further questions.

MR BHAGWATI: When did you make your statement to the police?
-- On the 19th of June.

How did you happen to go to make the statement? -- I had gone to the South African Defence Force to whom I spoke and these took me to the police whom I was afraid of going to.

Who was the police officer to whom you made the statement? Do you know the name? -- No, I don't know his name.

Now between the 5th of June and the 14th of June, from your pocket-book can you say on how many days did you report at Evaton? -- I cannot remember that. (20)

No, can you look at the pocket-book and tell us? Between 5th and 14th June. -- It was about three to four days.

Which were those days when you reported at Evaton? -- It is not indicated in this pocket-book of mine. I did not indicate this where actually I had reported for duty.

How do you remember now on what days, how many, three or four times, you reported at Evaton? -- I remember this according to the - with the help rather, with the help of the signature of the colleague of mine that signed. (30)

That/....

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