

A1.2

INQUIRY INTO THE BOIPATONG MASSACRE

VEREENIGING

DATE: 1992-08-05

MEMBERS OF THE COMMISSION:

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MR M. MOSSELSON

HOSTEL DWELLERS:

ADV. V. BOTHA
MS F.J. van der WESTHUIZEN

SOUTH AFRICAN DEFENCE FORCE:

ADV A.W. MOSTERT (SC)
ADV D. PRETORIUS

MINISTER FOR LAW AND ORDER; THE SOUTH AFRICAN POLICE:

ADV P.A. HATTINGH (SC)
ADV W.L. WEPENER
ADV J.L.C.J. VAN VUUREN

PWV REGION OF THE AFRICAN NATIONAL CONGRESS; ANC (VAAL) AND THE VAAL COUNCIL OF CHURCHES:

ADV A. CHASKALSON (SC)
ADV D. KUNY (SC)
ADV K.S. TIP

THE COMMISSION:

ADV J.J. DU TOIT

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THE COMMISSION RESUMES AFTER TEA

MR MOSTERT: ...to the extent that they exist were given but then there are general documents dealing with secret standing orders with operational planning which do not have anything specifically to do with this inquiry or the events being enquired into; it is a general document. That we are not going to make available. What we are going to make available is a document that you may already have - I believe you have. It is a policy document of the police and the SADF, I think it is GSV2, dealing with how the two (10) forces will work together and what the function is and how the participation by the SADF will be enlisted. That we have no problem with.

CHAIRMAN: Mr Chaskalson, can you be of assistance? The attitude of the committee is that we wish to have placed before the committee certainly any documents that are relevant to the issue under enquiry. If privilege is claimed to them then it may be that we have to have them tested in court but I do not want to, as it were, embark on a wild goose chase. (20)

MR CHASKALSON: I understand that, Mr Chairman. The discourse so far has been between Mr Mostert and the committee. We have not as yet seen the records which he says he is going to give us but won't yet give us until he says they are complete, so it is very difficult. At the moment all that we know is that certain documents which were handed to us just before the adjournment. There are other documents which are going to be handed to us but we do not know what they are, so first of all we do not know what we are getting; secondly we do not know what they have. We have asked. (30)

Mr /..

Mr Mostert, as I understood him, said that the category was any other document not specified and relating to the inquiry. Now it is in that category that he is claiming privilege.

CHAIRMAN: Prima facie the documents relate to the inquiry from what we have.

MR CHASKALSON: If so, yes, and only he knows what those documents are because we cannot possibly know what is in his possession, so I am not really in a position to say whether there is privilege attaching to that document or (10) not but if my learned friend says they are a matter of state privilege one assumes there are grounds for what he is saying to you. But I cannot really be of assistance because first of all I do not know what I am getting; secondly I do not know what he has got (intervenes)

CHAIRMAN: And you do not know what you are not getting.

MR CHASKALSON: Ja, I do not know what I am getting and what I am not getting and until we get the documents and get greater clarity on what we are not getting, it is really very difficult for me to make submissions. One thing I (20) want to make clear, I am not asking to see irrelevant documents that have nothing to do with the inquiry.

MR MOSTERT: And that is exactly what they are.

CHAIRMAN: On what basis were they brought here, Mr Mostert?

MR MOSTERT: Because they fall within that general description.

CHAIRMAN: Of any other material (intervenes)

MR MOSTERT: Oh no, no, let me make it quite clear (intervenes)

CHAIRMAN: Under which description? (30)

MR MOSTERT: /..

MR MOSTERT: The only other material not specified above relating to the inquiry. We treat it as a joke because that is what it is.

CHAIRMAN: I do not understand.

MR MOSTERT: Before you shake your head let me please - give me an opportunity (intervenes)

CHAIRMAN: Mr Mostert, I will shake my head if I wish to and don't you tell me how to behave.

MR MOSTERT: Well then, will you hear me out.

CHAIRMAN: Mr Mostert, I am dealing with one issue. (10)
Don't tell me how to behave.

MR MOSTERT: Well, then (intervenes)

CHAIRMAN: I take the gravest exception for it and I warn you there are contempt proceedings available to this committee.

MR MOSTERT: Well, then you must apply them if you so choose.

CHAIRMAN: Well, if you continue behaving in this fashion I may well have to.

MR MOSTERT: Well, you must do as you think fit. (20)

CHAIRMAN: Mr Mostert, just listen to my question now. What are the documents in the blue file and how do they happen to get there?

MR MOSTERT: Before I do that, what I take objection to is before I have addressed you and I am halfway through, you will not let me finish and you sit back and you shake your head in an attitude of rejecting before I have finished what I am about to say to you.

CHAIRMAN: Mr Mostert, I do not accept your description of my behaviour at all. (30)

MR MOSTERT: /..

MR MOSTERT: Well, it is on record and that is how I see you.

CHAIRMAN: Well now, will you answer my question?

MR MOSTERT: Now we go on to this. There are two sets of documents broadly, documents which we have prepared for handing before we received this letter from Mr Chaskalson. Those documents he will have. We have documents which he called for in 1, 2, 3 up to 6; those with the exception of the blue documents he will have. The documents in 7 we are not going to concern ourselves with because we do (10) not know what documents he wants besides these or what - so it is clearly a fishing expedition. If when he sees what we have got, if there are other documents he wants to have and we find them to be relevant and they exist he will have them. We made it clear to you in your room and in his presence we are going to hide nothing and in fact we will go well beyond the duties of disclosure in this case, but included under paragraph 6, documents which were called for from the SADF under 6; we were given these other documents and we were told we are not going to, we do not (20) want to hand those documents in because they are classified, they are secret. I examined them and although they fall within six I found them not to be discoverable under another head; aside from any question of privilege or state secret I found them to be irrelevant. I am not going to (inter-venes)

CHAIRMAN: Will you just tell us what category 6 is?

MR MOSTERT: All briefing documents or similar documents reflecting or relating to instructions given to members on or before 17 or 18 June. Now those general documents (30)

which /..

which do not relate to the events of this particular thing and are general - what is the expression? General operational plannings as one is not relevant to what has happened here and I tell you about them because I do not want to be accused later on of withholding any documents. You must know of their existence and you must know of the refusal and that I am afraid Mr Chairman, is as far as I can take it.

CHAIRMAN: I still do not know that I understand what the documents - are they documents relating to operational (10) orders given which do not relate to anything to do with the Boipatong occurrence?

MR MOSTERT: These were the operational orders in existence some time before Boipatong and if you read 6 in its widest form it covers that and I am not prepared to hand them in.

CHAIRMAN: And they do not relate to any matter before this committee?

MR MOSTERT: No. Well, they do not relate to anything that happened on that particular night in the sense that (20) they contain none of the history and they contain nothing that can be - but if you are not satisfied I tender them (intervenes)

MR CHASKALSON: May I say something, Mr Chairman? I think if I may say so, my learned friend is treating this matter as if it were a trial and as if I were one party making a claim and he were a party resisting the claim and that of course is not what this is about.

CHAIRMAN: There is no question of discovery that arises.

MR CHASKALSON: There is no question of discovery and to (30)

use the expression that it is wholly, to say it is clearly a fishing expedition is wholly inappropriate to a commission of inquiry because it is meant to inquire. Now simply to say that he will not, he will treat it as a joke and not give any thought to the request for documents which we have not specified and we do not specify them because we do not know how they keep their records or what their records are, but we say which relates to the inquiry. Now he must know whether or not he has documents relating to the inquiry and he must know and his clients must know and he can ask (10) his clients whether they have and that is what we expect of him. And we do not expect him to respond and say he treats it as a joke and will not concern himself with it.

CHAIRMAN: The difficulty (intervenes)

MR CHASKALSON: And we cannot possibly know, Mr Chairman, what records the SADF kept and whether they have records which they know about and we do not know about and which are relevant to the inquiry. And so as far as that is concerned I renew my request for those documents. If there are no documents we can be told so, and if he feels that (20) he will not respond to an informal request then I simply inform your lordship that we have requested access to documents relating to the inquiry and my learned friend tells me he treats that as a joke and will not concern himself with it, and I leave it to your lordship to decide what to do as far as that is concerned.

MR MOSTERT: I would like to say this. I do not accept and I reject with considerable contempt Mr Chaskalson's statement that they do not know what documents we have. Let me prove it to you. Number one, all occurrence books (30)

or similar entries regarding the Vaal triangle. He knows that occurrence books are kept. All vehicle log books: he knows that vehicle log books are kept. All incident reports and situation reports - he not only knows that reports are made, he know the subtle distinction in military terms of an incident report and a situation report. I defy anybody here without a military background to say that there are such things and to have knowledge of such things as situation reports and incident reports. All duty registers or similar records relating to: firearm and ammunition re- (10)
cords; briefing documents and similar records. If he had had the head of the SADF draw this document for him the head could not have drawn better. This document and this request was drawn up by a person with intimate knowledge of the workings of the SADF. We do not accept their statement that they do not know what we have, they know it right down to the last report.

CHAIRMAN: Mr Chaskalson, will you hand up a copy of your request..(simultaneously)

MR CHASKALSON: Yes, we.. (20)

CHAIRMAN: ..and we will consider during the luncheon adjournment what further action we will take in that regard.

MR CHASKALSON: I do not have it in the room at the moment but we will get it and make it available to you.

CHAIRMAN: Well Mr Mostert, can we use your copy?

MR MOSTERT: Yes, of course. It has marks on it but let me see ...

CHAIRMAN: We will take up this matter later today. Mr Botha, are you able to assist us in regard to your case?

MR BOTHA: Mr Chairman, as you know I have only been (30)
instructed/..

instructed this morning to represent the KwaMadala hostel residents. There are some 600 to 800 of them and we have not consulted with the hostel residents apart from those who are presently in custody and who have been arrested in connection with this incident. The consultations show as far as it goes at the moment that none of the persons in custody admit that the attack originated from the KwaMadala hostel or that they have participated in any attack on the Boipatong incident. That is as far as I can take it at the moment. (10)

CHAIRMAN: Are you intending to consult further?

MR BOTHA: We do intend taking further instructions from them. We understand that a further 17 people have been arrested two days ago and they are appearing in court this morning.

CHAIRMAN: Well, I am not sure that your involvement relates at this stage directly with the issue we are concerned with so I am not going to press you any further in that regard.

MR BOTHA: As it pleases you. (20)

CHAIRMAN: Mr Mosselson, anything you want to add?

MR MOSSELSON: Save to say Mr Chairman, thank you, that at this stage there seems to be no evidence actually relating to my client. Unfortunately there seems to be a shorthand form of address used for certain residents of the KwaMadala hostel, a synonym seems to be Inkatha and in so far as that is a reflection on my client it is totally rejected and until such evidence is produced that Inkatha were in any way, or Inkatha members were in any way involved in this massacre, my client has nothing to say. (30)

CHAIRMAN: /..

CHAIRMAN: Mr Visser?

MR VISSER: I have no statement to make at the present time, thank you Mr Chairman.

CHAIRMAN: Well, over to you, Mr Du Toit.

MR DU TOIT: Thank you, Mr Chairman. Before we start can we perhaps for convenience just mark the exhibits that were handed in so that we know what we are referring to?

CHAIRMAN: Yes.

MR DU TOIT: EXHIBIT 1 is the memorandum provided by the ANC, that is the shortened form thereof, the 29 page document, that will be EXHIBIT 1.

MR HATTINGH: Mr Chairman, excuse me for interrupting my learned friend. I do not know whether he has allocated or marked his exhibits yet?

MR DU TOIT: Yes, I have. Perhaps you can just carry on at the end.

MR HATTINGH: Because we have just after the tea adjournment received ours and I wonder whether that should perhaps then be 1A or 1B?

CHAIRMAN: Very well.

(20)

MR DU TOIT: I can just add it at the end, it is no problem.

CHAIRMAN: Yes.

MR DU TOIT: Mr Chaskalson also referred to a map which was part of the original representations and perhaps we can mark that map EXHIBIT 2; that is the one with the arrows on it.

CHAIRMAN: Yes. That is the one in the bundle?

MR DU TOIT: That is the one in the bundle. Then EXHIBIT 3 will be the photographs which were provided to us by the (30)

South African Police. You will see it is a document; the first one is sort of an overview document regarding inter alia Slovo Park, KwaMadala hostel.

CHAIRMAN: It is this bound bundle?

MR DU TOIT: Ja, it is a bound one and I have marked it EXHIBIT 3, and then they have got photo 1, 2, 3, 4 and 5.

CHAIRMAN: Right, that is all EXHIBIT 3?

MR DU TOIT: All EXHIBIT 3. Then EXHIBIT 4 will be the sketch plan. That will all be part of EXHIBIT 4. Then EXHIBIT 5 is the document referred to by my learned friend(10) Mr Mostert. It is a document like this, I marked it no.5. That is the one that is ready, I will hand it up to you now. It is from the SADF. Then Mr Chairman, EXHIBIT 6 is also a document received from the SADF, the radio logs in this green file; I marked it no.6. Then the memorandum by Iscor will be marked EXHIBIT 7, and then the request from the ANC to the SADF handed in by Mr Mostert will be marked EXHIBIT 8 and then perhaps Mr Hattingh's response could be EXHIBIT 9.

CHAIRMAN: Mr Hattingh, what is EXHIBIT 9? (20)

MR HATTINGH: I beg your pardon?

CHAIRMAN: What is EXHIBIT 9?

MR HATTINGH: EXHIBIT 9 is our response to the memorandum from Mr Chaskalson's clients.

MR DU TOIT: It is a response to EXHIBIT 1. Perhaps this can be handed up by the parties. Mr Chairman, that is as far as the exhibits go. I do not know whether Mr Hattingh wants to say anything more regarding EXHIBIT 9?

MR HATTINGH: No, thank you, Mr Chairman. I omitted to mention the fact that attached to EXHIBIT 9 as Annexure A (30)

is the sworn statement by Major Davidson which he handed in at the preliminary hearing of the Boipatong massacre. Reference is made thereto as well, because that sets out in detail the police version as far as their complicity or non-complicity is concerned, as also the investigations up until that stage.

MR DU TOIT: Then the first witness I intend calling is Mr Meshack Theoane. He was a petrol attendant working at a specific garage - if you look at EXHIBIT 3 it is the first photograph there. You will see the garage is marked (10) with a C there, it is the Unipark Motors Track on the corners of Frikkie Meyer and Noble Boulevards.

MESHACK THEOANE, d.s.s (through interpreter)

MR DU TOIT: Your counsel provided this committee with a copy of your statement, is that correct? -- Yes.

You have got your statement in front of you, is that correct? -- That is so, yes.

I am going to read your statement into the record and then at the end I will ask you to confirm the contents thereof. So it will be interpreted to you and you must (20) listen carefully, please:

- "1. I am an adult male resident in Slovo Park, Boipatong. The facts contained herein are within my personal knowledge and are to the best of my belief true and correct.
2. Until my dismissal on 22nd June 1992 I was employed as a petrol attendant at Unipark Motors on the corner of Frikkie Meyer Boulevard and Nobel Street, Vanderbijlpark.
3. On the night of 17th June 1992 I was at work at (30) the/..

by then, shots
Hear shots while SAP
there

- " the garage. My shift began at 21h00. The only other person working there at the time was a security guard employed by a private security company.
4. At about 21h30 the security guard drew my attention to a large number of men moving through the trees on the other side of Frikkie Meyer Boulevard. They were coming from the direction of the Kwa-Madala hostel. In all, there were 300 to 400 men. (10)
5. These men crossed the Frikkie Meyer Boulevard in small groups. They ran across in a crouching manner. One small group would cross then after a short pause the next would cross and so on.
6. It appeared to me that the men were carrying objects but I was unable to see what they were, as they crossed some distance from the intersection where the garage is.
7. When they had crossed Frikkie Meyer Boulevard, the groups of men moved towards the Boipatong township. At that stage, there were two police vehicles known to me as Hippo's parked at the soccer grounds next to the township. The men were moving some distance from the Hippo's, but if the people inside them had been keeping watch they would have seen them. (20)
8. I feared that these men might be going to attack people in Boipatong. When I saw that there was no reaction from the Hippo's, I pressed the alarm at the garage. This alarm is connected directly to (30)

the Vanderbijlpark police station.

9. About 10 to 15 minutes later two policemen arrived in a yellow police van. They did not get out of the van. They asked me what the problem was at the garage that had made me press the alarm. I replied that there was nothing at the garage, but that I had seen a lot of people coming from Kwa-Madala and moving in at the location. We were speaking in Afrikaans.
10. The exchange was extremely short. The policemen (10) did not enquire further but just turned to each other and they drove off along Frikkie Meyer Boulevard.
11. After the police left, the security guard used his walkie-talkie to call his firm. Very soon thereafter two whites from the firm arrived. The security guard reported to them and they spoke into the radio in their vehicle.
12. Some minutes later, two policemen came in a white car. At that stage, there were cracking and (20) breaking sounds and some gunshot sounds coming from the direction of Boipatong township. The policemen instructed the security people to take me and the guard to Baldwin Steel, some distance up Frikkie Meyer Boulevard.
13. We were taken to Baldwin Steel. About 20 minutes later I saw ambulances going to Boipatong. We walked back to the garage and stayed there. From there I saw a number of police and army vehicles going into Boipatong as well as ambulances going (30)

in and out."

Do you confirm the contents of this statement? -- Yes, I do.

Is there anything you want to change or to add thereto at this stage? -- No, I do not.

Why were you dismissed on 22 June 1992? -- I do not really know why I was dismissed.

Did anybody tell you personally that you are being dismissed? -- Yes.

Who was that? -- It is the white man I was working for.

Do you know his name? -- Yes. (10)

Can you give it to us? -- One Van Zyl.

Did he give you any reason for your dismissal? -- Yes.

Yes? -- He said I am dismissed, he is dismissing me because I had given information and that I had worked for the ANC.

CHAIRMAN: To whom did he say you have given information? -- He simply said that I had given information to ANC people.

MR DU TOIT: Did you give information to ANC people? -- I had given no information.

I am talking specifically of that stage, 22 June 1992? -- No, I had given no information. (20)

What is the name of the security firm who was on the premises there? Do you know it? -- Well, I did see on their badges there is the wording "Crime Prevention". I do not know of any other name.

Where is this specific security guard now that worked with you? -- I do not know where he is.

Where were you when the security guard drew your attention to this group of people moving from the direction of the hostel? -- I was standing next to him at the garage.(30)

Where /..

Where did you see the people for the first time? -- They had just come to start crossing the road when we saw them.

You mean Frikkie Meyer Boulevard? -- Yes.

Now you have been shown photograph 1 that is part of EXHIBIT 3 is that correct? -- Yes.

You see there is the KwaMadala hostel and then in front there are a lot of trees there and to the left-hand side, that is marked C, is the petrol station. -- Yes.

Where did you see this group for the first time? Can(10) you mark it with a cross on the photograph, please? -- They were just next to the trees that are close to the road and they were busy crossing that road.

Can you just show to the committee and the other members that, Mr Interpreter, please? Are you in a position to tell us what clothing the men had on or not? -- I would not be able to say what they were actually wearing but they were wearing dark clothes.

Now you also mentioned in paragraph 7 of your statement that you saw Hippo's, two Hippo's parked on the (20) soccer field, soccer grounds next to the township. -- Yes.

Before I ask you specifically where did you see them, when did you see the Hippo's for the first time that night? -- I saw these Hippo's being driven past the garage and moving into the township. There had been youths just outside the township some of whom had been burning tyres. When the Hippo's approached them they went into the townships.

Yes, and then? -- After a little while these Hippo's approached again out of the township and they were then (30) parked /..

parked on the grounds.

Where on the grounds? -- The soccer grounds.

The soccer grounds that you mentioned in your statement? -- Yes.

When you saw the group of people moving (intervenes)

CHAIRMAN: I am sorry, I wonder if we can just find out where on the photograph the soccer grounds are?

MR DU TOIT: Yes, I am going to have him show it now. Can you also mark with an X where the soccer grounds are on photograph 1 of EXHIBIT 3. It is marked "Sleutel tot foto(10) 1" so we can perhaps leave it as photograph 1. -- The soccer ground is somewhere where I have indicated.

Can you give us an indication of the time that you say you saw the Hippo's parking there again after this incident with the youth - how long after that did you see the first group of people coming along Frikkie Meyer Boulevard? -- If I have to estimate I would say it is after about 10 to 15 minutes.

Now you say in your statement that they are police vehicles. Why do you say that? -- Well, whenever we talk (20) about police vehicles we refer to those vehicles.

Now you have got next to you a piece of cardboard with a lot of photo's on it; we can mark it EXHIBIT 10, at the back there. You will see on that specific EXHIBIT 10 there are eight photographs thereon of different vehicles used by either the police or the SADF. Do you see them? It is marked A, B, C, D, E, F, G - do you see it? -- Yes.

Can you point out a Hippo on that photograph? -- It is the one marked B.

B?

(30)

CHAIRMAN: /..

CHAIRMAN: I presume there will be evidence if necessary but for the uninitiated can you tell us what that vehicle is?

MR DU TOIT: It is a Hippo or a Casspir as it is referred to. It is also referred to as a Casspir.

MR CHASKALSON: A Casspir?

MR DU TOIT: Yes. Now when you saw the people moving towards Frikkie Meyer Boulevard, did you see any people inside the two Hippo's that you referred to? Did you see anybody on top of the Hippo, climbing in or out, can you (10) just describe to us what you have seen? -- I did not see people outside these vehicles or even climbing into the Hippo's but it was clear that there were people in the Hippo's.

You also said that the people were moving about some distance from the Hippo. Can you perhaps indicate to us how far from the Hippo did the first group move towards the township? -- I am unable to indicate from within this building here how far it was. I cannot say how many metres it was but it was not very far from these Hippo's. (20)

Now the two policemen who initially arrived in the yellow police van after ten to fifteen minutes, do you know whether they came from Vanderbijlpark or Vereeniging? Did they introduce themselves? -- They came from the direction of Vanderbijlpark. They did not introduce themselves at all.

Can you understand and speak Afrikaans? -- Yes.

You said that they moved off, they drove off in the direction of Frikkie Meyer Boulevard. Did they tell you what they were going to do or inform you what they were (30) going/..

going to do or what? -- No, they did not say anything.

Do you know the whites that came there after the security guards talked to them over the walkie-talkie, what their names are? -- No, I do not know what their names are.

What did they do? -- The security man who was there with me spoke to them and explained to them what had happened. Thereafter they spoke over their two-way radio, I just could not hear what they were saying.

And then did they stay there or did they leave the premises? -- They stayed on the premises. (10)

Now the two policemen that later arrived in the white car that you referred to, where did they come from? -- We only became aware of them when they stopped in front of the garage and they then spoke to the two security guards.

The two white persons? -- Yes, the two white security guards.

Did they introduce themselves to you, the two policemen? -- No.

Do you know where they came from, also from Vanderbijl or what? -- I do not know where they came from. They just(20) appeared there unexpectedly while we were looking in the direction of the township.

And they in fact instructed the security people to take you to Baldwin Steel? -- Yes.

What happened to them then when you were escorted to Baldwin Steel? -- We were put into the security guards' vehicle and a little later when we looked back in that direction where their car was, it was no longer there. We do not know where they went to.

Why were you taken to Baldwin Steel? -- We personally(30) did /..

did not know why they were having us taken away from there. They might have thought that the people might come and attack us or that we would perhaps see more than we are supposed to.

If you look again at EXHIBIT 3, photograph 1, is Baldwin Steel visible on that photograph? -- I cannot specifically indicate but I have given an indication of where it more or less is.

MR CHASKALSON: Mr Chairman, I do not want to interrupt but I notice we are developing a number of X'es on the (10) exhibit. On my own exhibit I have given them legends which will enable me to indicate.

CHAIRMAN: Yes well, I think that might be a..(intervenes)

MR CHASKALSON: I wonder whether we cannot give X1, X2 and X3 in case it becomes important later.

CHAIRMAN: I think that is a good idea. We should mark, I presume X will be the corner where I understand is actually a nursery where the trees are.

MR DU TOIT: Ja, it is X1, let us make it X1 and X2 the soccer field and X3..(intervenes) (20)

CHAIRMAN: X2 is the soccer field.

MR DU TOIT: And X3 is Baldwin Steel. Thank you, Mr Chaskalson.

CHAIRMAN: Yes, thank you, Mr Chaskalson.

MR DU TOIT: Now there is just one other question that I want to ask you. You said here in your statement, paragraph 12, that at that specific stage when the police came in the white door there were cracking and breaking sounds and some gunshots coming from the direction of Boipatong township. Was that the first indication you had about (30) firing /..

firing shots or anything else? -- Yes, this was the first time that we heard such noises.

You also said that 20 minutes later you returned back to the garage when you saw the ambulances. Why did you go back to the garage? -- I was frightened and I became very worried when I saw these ambulances. I also stay in Boipatong and I have relatives there. I was just worried. I realised that something bad was happening.

Who were with you at Baldwin Steel before you walked back? -- With the security man who had been on duty together with me. (10)

Just the two of you? -- No at Baldwin Steel there were with us also other security guards who were on duty.

And you and the security guard that worked at the petrol station? -- Yes.

You also mentioned that you saw police and army vehicles going into Boipatong. Where did they come from? -- The ambulances and these vehicles, police and other vehicles appeared to be coming from the direction of Sebokeng.

Mr Chairman, perhaps this is an appropriate time? (20)

CHAIRMAN: We will adjourn until 14:15. I will be grateful if some members of each of the teams would speak to us I would suggest at about 14:05. We will adjourn formally until 14:15.

THE COMMISSION ADJOURNS THE COMMISSION RESUMES

MESHACK THEOANE, s.u.o. (through interpreter)

MR DU TOIT: When the policeman took you to Baldwin Steel, do you remember, what happened to the two Hippo's that were standing on the soccer field? Did they still remain there or what was the position? -- They were still parked on the(30) grounds/..

grounds of the soccer field.

And when you returned about twenty minutes later after you saw the ambulances what was the position with them then? -- They were still parked there and this was the position until the people moved back to KwaMadala in the direction of KwaMadala hostel.

You said here that you saw vehicles coming from the Sebokeng vicinity, police and army vehicles. What happened to these vehicles? -- They moved into the township

Can you indicate to us how many police vehicle or (10) army vehicles moved into - were they also Hippo's or what kind of vehicles moved in? -- There was a number of these vehicles. I just cannot say how many they were in number and they were of the same kind as the one I indicated later or rather earlier.

What did you then do at the petrol station after that? -- We just sat there and watched the ambulances as they moved out of the township and we were just discussing this sight.

Yes, and then? -- And we were just wondering what (20) could have happened in the light of these many ambulances that we were seeing moving out of the township.

For how long did you remain at the petrol station? -- We remained there until the following morning at 06:00 when I went off duty.

The two Hippo's, what you call Hippo's at the soccer field, do you know from which police station they came or not? -- No, I do not know.

Did you see these Hippo's on the previous day prior to that incident, also in the same place or not? -- No, I had (30)

not /..

not, you see because it had been some time that they had not been coming to park there.

Thank you, that is all at this stage.

CHAIRMAN: Mr Chaskalson, do you want to add anything?

MR CHASKALSON: Mr Tip will do so.

EXAMINATION BY MR TIP: Yes, thank you, Mr Chairman, just one aspect. I do not want you to say where you are living now. Is it correct that you are not living in your home in Slovo Park? -- Yes.

Could you tell the commission please approximately (10) when you left your home? -- It has been quite some time. I think from the 25th of that same month, June.

And what was the reason for you to leave your home? -- The reason was that after the incident the police came and kept coming to my home, looking for me and they always alight from their vehicles with guns in their hands. This troubled me too much, it made me feel like someone who had either done something very evil or killed somebody. I could not understand why. All that led me to leave my relatives only as a result of what is true. All the same (20) my trust is in God.

Now you have come here today and you have testified in public and you have given your name in public. Was that an easy decision for you to take? -- It has not been an easy decision but I only hope that I might get some protection.

Thank you, Mr Chairman.

EXAMINATION BY MR HATTINGH: Mr Theoane, that filling station where you were employed at the time, is that the only one in the area? -- Yes.

(30)

And /..

And on the night in question were you the only petrol attendant on duty? -- I was the only petrol attendant that night because the night shift is done by one person.

Now are you sure that you were supposed to commence duty at 21:00 on that evening? -- Yes, that was our usual time of commencing duty.

And can you tell us at what time you actually arrived at the filling station.

CHAIRMAN: At the filling station?

MR HATTINGH: Yes. -- I think I arrived there at about (10) 20:15 to go and relieve those people. They..

Now if you were (simultaneously) -- .. a little earlier (interpreter does not speak into microphone)

Sorry. -- You see the position is I usually went there earlier to start work earlier. They do not actually leave at the very time that I arrive, they wait until their knocking off time.

At what time did you actually commence working that night? -- At 21:00.

What were you doing in between 20:15 and 21:00? -- (20) We were just sitting there and chatting with the co-workers.

And they left just before 21:00? -- They left at 21:00.

Did you see your employer, Mr Van Zyl, that evening at the filling station? -- He was there that evening. I think he left at about 20:20.

And when he left ..(intervenes) -- When he was going home.

Sorry. When he left had you not commenced duty yet? -- No, I had not.

Is he usually there during the evenings? -- Is it (30) usual/..

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