

You were then taken to the Mount Road police headquarters? --- Yes.

There in this building there is quite a big room, sort of a conference room? --- Yes.

And you were taken into that room? --- Yes.

Mrs. Bookholane I don't want to be personal when I put the next question, but unfortunately I've got to put it to you. Is it correct that you informed Mr. Scheepers that you were menstruating then? --- There is no such a thing. (10

Didn't you request him that you wanted to go to a toilet? --- No.

At the Mount Road police station were you then told what the charge was against you? --- No.

Mr. Scheepers will say that at Mount Road he informed you that he was investigating a contravention of the Terrorism Act. --- He is lying.

And he also told you what part you have played in the offence. --- No, that is not so.

Mr. Scheepers will deny that he told Buzani not to (20 allow you to sit down. --- I don't know about his denial, but he said so.

What were the words that Mr. Scheepers used when he said, according to you, that your back is exposed? --- He said "mqolo upandhle".

Was he speaking Xhosa to you then? --- Yes.

I've got to put it to you that after Mr. Scheepers told you what the charge was, he also explained your - he also warned you if you had anything to say it could be taken down in writing. --- There is no such. (30

And that it could be used against you. --- There is

/no...

no such.

You didn't say anything to that. --- He never said so.

Mr. Scheepers will say that he denied - edelagbare kan ons net die klagstaat kry? Net n versoek van Lubbe Opnames om die spelling te kry van die name van die beskuldigdes. - Mr. Scheepers will deny that he ever said that your back is exposed. --- I say he said it.

He will also deny that he said others had spoken. --- I say he said so. (10)

And that he used the word "shit" at all. --- He did.
COURT: Mr. Prosecutor would this be a suitable stage at which to adjourn for a few minutes?

PROSECUTOR: As the court pleases.

COURT ADJOURNS.

---oOo---

COURT RESUMES:

COURT: Mr. Interpreter please tell the witness that she is still under oath. --- Yes.

PROSECUTOR CONTINUES: At Mount Road police station did Mr. Scheepers tell you where you would be detained? (20
 --- No.

Didn't he tell you that you would be detained at Patensie? --- No.

Why were you taken to New Brighton by Buzani? --- I do not know.

Where did Buzani take you?

(End of belt 172).

Where did Buzani take you? --- He took me to the police station.

Were you in uniform when you were arrested? --- Yes.

Were you given the opportunity to change into other clothes? --- Yes.

At what stage? --- From the New Brighton charge office to my house when I was in the company of Mr. Scheepers.

Did you ask him to change? --- He said so, he said that I must change.

Did he tell you that he had respect for the profession in which you were in? --- No. (10)

That is why he requested you to change? --- I had already gone around New Brighton and Mount Road in my uniform. He said I must change because I was now going to be detained in the cell.

Have you a young child? --- Yes.

Did you request anybody to allow you to make arrangements for this child? --- I was never given that chance.

COURT: The question is did you ask anyone? --- Yes, I asked Mr. Scheepers. (20)

PROSECUTOR: Where was that? --- That was when I was at my house to go and change.

What did Mr. Scheepers say when you asked him? --- He said I should have first thought about the child.

Yes? Anything else? --- No.

You are saying that he refused to allow you to make whatever arrangements you intended making? --- Yes.

Mr. Scheepers will say that he said that you should be allowed to make the necessary arrangements in regard to your child? --- He never said so.

Was your house searched by the police? --- Yes.

Were you present? --- Yes.

At what stage was that done? --- When I was taken to the house from the New Brighton Police Station.

Had you already changed then? --- No, I had not yet changed.

On the 24th March you told the police that you saw Lieutenant Du Plessis - sorry, you told the Court that you saw the police and more specific, Lieutenant Du Plessis?

--- Yes, I saw both of them, him and Mr. Scheepers.

Did you make a request that you wanted to see either (10) / Scheepers and or Du Plessis? --- No.

Is it correct that Lieutenant Du Plessis took you into a room which is also known as the "courtroom"? --- Yes.

That is at Patensie? --- Yes.

Did you say anything to Du Plessis? --- He came to me.

The question is did you say anything to him? --- No.

What did Lieutenant Du Plessis say to you? --- He said to me "Tomorrow I want you to go before a Magistrate. And make a confession or otherwise you will be detained under Section 6 indefinitely. Your people will not ^{know} your (20) whereabouts and they will never visit you, no attorney would visit you. No reading matter would you receive."

And he said this without asking you any questions? --- He told me that they had heard everything about me.

Apart from that did he ask you anything? --- I do not remember.

So that day, according to you, the charge hadn't been explained to you; your involvement hadn't been explained to you? --- Yes.

And you hadn't been asked if you knew anything about it? --- Yes.

/ And ...

And Lieutenant Du Plessis immediately started off with threats and said that you should go and make a statement to the Magistrate? --- Yes.

Lieutenant Du Plessis will say that you wanted to tell them what you knew? --- That is not correct.

He then handed you a paper and a pen and said that if you wanted to, you could write down what you wanted to tell them? --- That is not correct.

You then wrote out a statement which you handed to him at a later stage? --- No, that is not correct. (10

What is not correct? --- That I requested them that I wanted to tell them something.

Did you write out the statement? --- Yes, I wrote down a statement.

How did that come about? --- He told me to write it.

Who is this "he" you are referring to? --- Mr. Du Plessis.

Is that all he said? --- I do not remember other things.

Did Lieutenant Du Plessis hand you the paper and the pen? --- Yes. (20

Did you request him - or did you prior to that tell him that you wanted to tell them what you knew? --- I said that is not correct.

Why would he have handed you the paper and the pen? --- He said I must write down after he had asked me.

After he had asked you if you wanted to write down the statement? --- No, after he had asked me about these things I said I do not remember.

What things? --- Those that he was asking me about. Thereafter he gave me this paper to write down.

Were you in the courtroom? --- Yes.

/ But

But what questions did Lieutenant Du Plessis ask you there? --- I do not remember.

But you just referred to questions that he asked you on which you couldn't reply or didn't know about? --- Those are the questions I say I do not remember.

In any event that statement you wrote out, you did so freely and voluntarily? --- No, that is not correct.

Tell the Court how it came about that you wrote this statement? --- After the questions he had asked me, the questions I have said I do not remember, he then asked me (10 to write down everything.

Everything about what? --- I do not remember those things.

Everything you knew? --- Yes.

Did you then do that? --- I wrote.

Apart from the questions that he asked you that you can't remember, is that all that happened prior to you writing the statement? The fact that he put questions to you? --- Yes. That is what I remember.

After you wrote the statement you handed it back to (20 Lieutenant Du Plessis? --- Yes.

After you wrote that statement, is it correct that at a later stage you were interviewed by Mr. Scheepers? --- Yes he was always present there.

Just clarify that reply of yours? When Lieutenant Du Plessis interviewed you in the courtroom, Mr. Scheepers wasn't present? --- Yes.

In the courtroom? --- Yes.

COURT: What does that "Yes" now mean? --- Mr. Scheepers was present in the courtroom.

Was he present? --- Yes.

/

PROSECUTOR: And when you wrote the statement? --- He would come in and go out.

But before you wrote your statement, is it correct that Mr. Scheepers didn't interview you? --- Yes.

He only interviewed you after you had written out your statement? --- Yes.

You then made a statement to Mr. Scheepers? --- Yes.

Did Mr. Scheepers after that, explain your rights to you? --- No.

He explained to you that you could make a statement (10 to a Magistrate and the effect thereof? --- No.

Mr. Scheepers will say he did that? --- That is not correct.

At that stage you had no comment? --- That is not correct.

When Lieutenant Du Plessis made these threats to you that you referred to, can you remember clearly what his words were? --- Yes.

And that is all that you can remember about what Lieutenant Du Plessis had said to you? --- Yes. (20

Why is that? --- I cannot forget such a thing.

The questions, weren't they important to you? --- The questions were important.

You can't remember one? --- No, I do not remember.

At the time when you wrote your statement, had any charge been explained to you or your involvement been explained to you? --- No.

So you didn't even know at that stage why you had been arrested? --- Yes.

Did you have any idea at all why you were arrested?

--- No.

/ Not ...

Not at all? --- Not at all.

Did you know under what Act you were being detained at all? --- What I heard the day of my arrest, on our arrival there, I heard him say "Wet op Terrorisme".

Did you know what that meant? --- No.

Did you know what "terrorism" means? --- No I do not know.

Before the police left Patensie, did you make any request to them? --- I do not remember.

Did you make any request to them as to the obtainment of certain articles from your house? --- No. (10

Such as clothing? --- No.

On the 25th March, is it correct that Lieutenant Du Plessis saw you at Patensie? --- Yes.

How were you dressed then? --- A denim pair of trousers, slacks, and a black shirt.

Is it correct that Mr. Scheepers was not present on that occasion? --- Yes.

When Lieutenant Du Plessis saw you, did you tell him that you wanted to go to a Magistrate? --- No. (20

That is what he will say? --- He would be lying.

After you left Patensie, where did you see Mr. Scheepers for the first time? --- I saw him at the Law Courts.

From Patensie did you drive straight to the Law Courts in Port Elizabeth? --- Yes.

Before you went to the Law Courts, didn't you stop at the Kabega Park Police Station? --- I do not remember that thing.

Is it possible that that could have happened? --- I cannot say.

But if you cannot say, are you prepared to concede

/ that ...

that it is possible? --- No I don't say so.

Are you then saying that you never stopped at the Kabega Park Police Station? --- Yes.

You see the evidence will be that both Lieutenant Du Plessis and Mr. Scheepers were at the Kabega Park Police Station where you were present, before you were taken to the Law Courts? --- I was never taken to Kabega Park.

I don't want you to misunderstand me. You weren't booked in there as a prisoner or placed in a cell or questioned. The police will say that they stopped there, telephoned to try and find a Magistrate? --- That I do not know. (10)

When you were taken to the Law Courts, were you still in the car driven by Lieutenant Du Plessis? --- Yes.

Where did you see Mr. Scheepers? --- Outside the Law Courts.

What was he doing when you saw him? --- When I saw him, he was walking towards the motorcar in which we were seated.

Did you see him waving towards the motorcar in which you were? --- I did not see him waving. I saw him coming to the motorcar as we were sitting. (20)

Who took you to the Magistrate? --- He did, Mr. Scheepers.

Where was Lieutenant Du Plessis then? --- He remained in the car.

Did Mr. Scheepers take you into the office where the Magistrate was? --- Yes.

And after you had made the statement, who took you back to the car? --- Mr. Du Plessis.

Where did he find you? --- At the charge office.

Who took you from the office of the Magistrate to the

charge office? --- Mr. Scheepers.

So when you went to the Magistrate Lieutenant Du Plessis remained behind in the car and you only saw him again at the charge office? --- Yes.

You see the Magistrate has made an entry on the statement which he recorded from you, EXHIBIT X, and his entry is as follows: "Ingebring deur Luitenant Du Plessis". What do you say to that? --- I was taken by Mr. Scheepers to the Magistrate.

Are you saying that the Magistrate made a mistake (10 when he recorded that? --- Yes I say so.

You see Mr. Scheepers will say that he never fetched you from the car? --- I say he did.

That he waved towards the car to indicate to you that the Magistrate had arrived and Lieutenant Du Plessis then took you to the Magistrate? --- I don't say so.

When do you say did Mr. Scheepers speak to you? --- When he went along with me after taking me from the motorcar of Mr. Du Plessis.

Mr. Scheepers will deny that he spoke to you at all? (20 --- Well I do not know about his denial but as I say, he did speak to me.

What did he speak to you about? --- He said to me "You are now going to the Magistrate. Say nothing about the threats or that you were influenced to make a confession because the confession would come back to us and you would be assaulted by the S.A.N.L.A.M. boers. Your people will not know that you had been assaulted."

But if I understood your evidence correctly, up till that stage the only man who had threatened you to make a statement to a Magistrate was Lieutenant Du Plessis? --- Yes,

/ that ...

that is so.

In fact he was also the man who went and fetched you at Patensie to take you to the Magistrate? --- Yes.

And here he has you at the Magistrate's Office, waiting for the Magistrate to arrive, and Mr. Scheepers comes and he threatens you? --- That is so.

Prior to Mr. Scheepers threatening you, did he ask you if you were willing to make a statement to the Magistrate? --- No.

So he didn't establish that from you, he just started threatening you? --- As I have told it. (10

And his Senior Officer was present, Lieutenant Du Plessis? --- Yes.

Why would Mr. Scheepers do that at all? --- He should know. I do not know.

You have already told the Court that the replies you gave to the questions asked by the Magistrate, that you did out of your own accord? --- Yes.

COURT: Just repeat that please?

PROSECUTOR: You have already told the Court that your replies given on the questions asked by the Magistrate, you did that on your own accord. And her reply was "Yes", Sir. (20

You told the Court that you were greatly shocked? --- Yes.

Was that when you were in the office of the Magistrate? ---- Yes.

Were there any signs of this great shock? Would you say there were any signs visible of this great shock, the state that you were in? --- I cannot say.

You see according to the Magistrate's notes he made on Exhibit X, your statement, he made the following remarks:

/ "Sy ...

"Sy is op haar gemak terwyl sy voor my sit." Have you any comment to that? --- I did not want that to show out, I was controlling myself.

How did you do that? --- I sat easily.

Is it correct that when you made your statement to the Magistrate, you used several words in English? --- Yes.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

RE-EXAMINATION BY MR. ALEXANDER: No questions.

NO FURTHER QUESTIONS.

CASE REMANDED TO 8.3.79.

(10)

ON 8.3.79.

MR. ALEXANDER CALLS ACCUSED NO.5.

BONGONI ERIC NGELEZA, sworn states:

EXAMINATION BY MR. ALEXANDER:

On the 23rd May 1978, you were living at your house in Diepkloof, Johannesburg? --- That is correct.

What happened in the early morning of the 23rd May? --- I was woken up by the ringing of the telephone.

And then? --- Well I picked up the receiver and there was no response from the other side. Then it started ringing again. I picked it up. The same result. Then I got up and switched on my light and checked my watch. The time was exactly 1.20. (20)

1.20 in the morning? --- Yes.

And then? --- Then I started wondering who could be calling at this ungodly hour. Then after that, well I heard noises outside. I peeped through the window then I saw people, a lot of people in the yard.

/ Did ...

Did you recognise any person outside? --- No.

Then what happened? --- Then there was this big bang on my back door. Then I rushed to the back door and wanted to know who was there. Then they said it is the police. I opened the door then a whole lot of policemen swarmed into my house.

Did you know any of these policemen who came in? --- No.

Not at that stage? --- Not at that stage.

Do you know who some of them are now? --- Yes. (10

Please give their names? --- Warrant Officer Scheepers and Lieutenant Du Plessis and Constable Buzani.

How many other policemen came in with these three? --- I cannot give an exact number but there were quite a lot really.

What happened when they came into your house? --- The first thing that was asked by Warrant Officer Scheepers was they wanted to know what my name was.

Did you answer him? --- Yes. I told him that my name is Eric Ngelaza. Then he wanted to know why I was using my (20 name. Then I wanted to know what he meant by that. Then one of them said I am "hardegat" (indistinct) merely referring to the others.

You are going a little bit quickly here. Mr. Scheepers asked you why you were using your name? --- Yes.

What did you understand by that remark of his? --- At that stage I didn't but later on he started telling the others that he doesn't understand why I use my name because with experience most people who work underground use pseudonyms.

Pseudonyms? --- Yes.

/ Well ...

Will now after one of these people said that you being "Hardegat", what happened then? --- Well Scheepers remarked and he pointed out to him that next time I must just answer questions, mine is to answer questions and not to ask them.

Was your house searched? --- Yes.

Was anything found? --- No.

Then what is the next thing? --- Well I was asked to accompany them. Then we went out of the yard to the car.

Was there anybody else living in the house with you at that time? --- Yes, I was with my brother in law. (10

His name? --- Mlondo Lozi.

What happened to him? --- Well he was also taken along.

Did you ask why you were being taken along? --- No I did not.

Why not? --- Well it was already said mine was not to ask questions, because I am being "hardegat".

I don't know whether I asked you whether anything was found in your house? --- Yes you did.

Where were you taken to? --- I was taken to the Protea Police Station. (20

Which area is that? --- In Soweto, Johannesburg.

What happened at the Protea Police Station? --- Well at the Protea Police Station things really happened there.

What precisely? --- When we got there we moved into an office and in that office it was myself and about 8 to - in fact I even lose count of the number of policemen who were in that office. In that number Warrant Officer Scheepers and Lieutenant Du Plessis were included.

Yes? --- And then he started asking me questions but unfortunately the questions were being thrown from all angles, they were all talking at the same time.

/ Were ...

Were all the policemen surrounding you firing questions at you? --- Yes.

And then? --- Well I couldn't answer any one of them because I didn't know who to answer at this stage. Then at one stage Lieutenant Du Plessis was standing behind me. He gave me a big smack from the back.

Where did that smack land? --- It landed on my right side.

Right side of your head? --- Yes. Then Warrant Officer Scheepers was standing in front of me. He repeated the same thing, he smacked me from the front. (10)

Can you recall what he repeated? --- No, no, he didn't say anything at that stage. What he repeated was the smacking that was being done by Lieutenant Du Plessis.

What happened thereafter? --- Well after the smack, one of these policemen grabbed my left arm and started applying bandage on my left wrist.

Do you know what sort of bandage? --- It was a crepe bandage.

That is a thicker type of bandage? --- It is a type of bandage, yes. (20)

And then? --- Then he applied the handcuff on that arm. He then applied another bandage on my right wrist. At the end of that my hands were placed to the back and I was handcuffed to the back, handcuffed right on top of the bandages.

What happened to you then? --- Then I was dragged out into the passage and the passage was dark.

COURT: You had your hands handcuffed behind your back? --- Behind my back, yes.

MR. ALEXANDER: You were then dragged out into a passage

/ which ...

which was dark? --- Yes.

What happened to you there? --- Well we got to one corner of the passage and I was made to lie down on my stomach and then my ankles were put together and tied with a piece of rope which was finally attached to the handcuffs as I was lying on my face.

Just pause there a moment. Do you know which policeman it was who handcuffed you and put the bandages on, who tied up your legs? --- No.

Now you are lying on your stomach I take it, and what (10) happened then? --- Then some cloth material was placed behind my ears and finally a hood was placed over my head.

I don't quite follow what you mean a cloth material being placed behind your ears. Will you explain that a little more clearly? --- Well it is simply that a cloth was placed, pieces of cloth, one on the right and one on the left hand by my ears.

Then you say a hood was put over your head? --- Yes.

Was anything said? --- One of them remarked in Afrikaans and said that now the tokolosi is going to dance. (20)

What words were used in Afrikaans? --- Nou die tokolosi gaan dans.

What happened then? --- And then they started applying shock behind my ears, on my wrists, intermittently and this went on for some time.

When you say they started applying shock, will you describe what you felt? --- The feeling (indistinct) ... something pulled inside.

Do you know what was causing the shock? --- I don't know.

Did you feel something being applied to your ears and

/ to ...

to your wrists? --- Yes.

Could you feel what was being applied? --- (No audible answer)

How long did this shocking go on for? --- (No audible reply)

Was it painful? --- Yes.

How were you reacting to this pain? --- (Indistinct) pain because it was (indistinct) pain inside. Unbearable.

Could you endure the pain or was it very painful indeed? --- Unendurable, very painful. (10)

And then? --- And then after some time, as I said I couldn't endure the pain, I just pretended to be unconscious.

How did you do that? --- Well I lay still. They started checking all the time. Then they got worried and they stopped this shock they were applying.

What did they do? --- They removed the hood, removed the handcuffs, removed the rope and the bandages of course. And then I was dragged back. In fact this time I was virtually being carried because as I say I pretended to be unconscious. (20)

Do you know where you were dragged back to? --- Yes, to the very same office we had started off from.

What happened to you in that office? --- Well in that office I lay on my back, my tongue sticking out. Checking all the time.

And? --- Well the people got really worried thinking that I was truly unconscious. And then at some stage one of them remarked once more in Afrikaans that should I die, then they will go and dump me in a disused mine.

What was the next thing? --- Well the next thing, I heard one of them suggesting that they should call a doctor.

/ Well ...

Well finally a doctor did arrive. Well this man was being called "Doctor" on his arrival. He took out his stethoscope and started checking me the usual way the doctor does.

At that stage were you still pretending to be unconscious? --- Yes, still out.

Were your eyes open or not? --- No, no, they were closed.

How do you know that the doctor was using a stethoscope? --- I could feel it because I was undressed at that stage.

He made a gesture across your chest? --- Yes. (10

What does that mean? --- (Inaudible) ,. he felt my pulse.

What happened to your tongue that had been sticking out of your mouth? --- Well the doctor fortunately managed to put it back.

What else did the doctor do? --- Well after pushing my tongue back and checking my pulse and all that, then he told one of them to close my mouth and nostrils so that I shouldn't be able to breathe and then I think it is still the same doctor, he started applying pressure on my testicles, pressing (20 so hard really.

What happened to you? --- Well I reacted to that (indistinct)

Did you sit up? --- Yes, I got up.

Did you then for the first time see that there was a man next to you? --- Yes.

How was he dressed? --- It was a sports jacket, brownish. Faunish.

The height of that man? --- A tall man really, about 5 feet (indistinct).

His age? --- I'm not sure but roughly around 50.

/ What ...

What language did he speak in? --- (No audible reply)

What did he say then after you had sat up? --- No, when I sat up well two of them lifted me up and I managed to stand against the wall and he said I was alright and then he left.

COURT: Is this the man you thought was the doctor? --- Yes.

MR. ALEXANDER: We don't. At that stage was Warrant Officer Scheepers still present? --- Yes he was.

Lieutenant Du Plessis? --- He was there too. (10

What happened to you then after the doctor left? --- Well the others went out (indistinct) remained was Warrant Officer Scheepers.

Tell His Worship what happened then? --- Warrant Officer Scheepers told me that I must play the game with him, after all if I was alone in this game, I would get away with it but unfortunately for me I am not alone, there are others who have already talked and so he knows a lot about me. Then he started asking me some questions which I didn't reply to because I was still confused at this stage. Then he threatened me, saying that ..(Mr. Alexander intervenes) (20

Go slowly because it has got to be written down. You didn't answer, you said you were still confused? --- I didn't say that. Well I am saying I was still confused. He didn't say it.

No, I say you said you didn't answer because you were still confused? --- Correct.

Then he threatened you. Now how did he threaten you? --- He told me that if I continue in this manner then he will call back this boy.

Who was he referring to? --- Well the very group that

/ was ...

was torturing me.

Did he call them back? --- Yes he did.

Did you recognise any of them? --- Yes, Lieutenant Du Plessis was amongst them.

Can you say whether they were the same people who had assaulted you a little earlier? --- They are the same people.

How did you react to their coming back? (Court intervenes)

COURT: How could you say that - or rather how did you know (10 that they were the same people seeing that you had this hood over your head? --- It was already removed when I was taken back to the office.

Was it removed at a stage when they were still present? --- I'm saying that in that passage everything was removed, the hood, the cuffs and the bandage.

What I'm asking you is something different. Were these people still present when the hood was removed? --- Yes, they were still present.

MR. ALEXANDER: The people who had questioned you first (20 before you were taken into the passage, can you say whether that group of "boys" as he called them who came back, were the same people? --- Yes.

How did you react to that, when these men came back? --- I told him that he must send them away because I'll talk.

Why did you say that? That you would talk? --- Well I knew what he meant by telling me that he will call them and indeed he did and they came along. I know what had happened a few minutes ago.

What did you think would happen? --- The same procedure.

Now after you had told Mr. Scheepers that you would

/ talk ...

talk, what did he say? --- Well at that stage he said he feels that we must go to another office because (indistinct) He will talk to me later.

When you were taken to the other office, did you see anybody whom you recognised? --- I saw my brother in law in there and Weaver, that is Accused No.6, for the first time, that morning.

At what time of the day would you say this was? --- I must (indistinct) I couldn't say.

Was it still dark outside or was it light? --- No, (10 it wasn't.

Was it light? --- Yes.

And then? --- Well when I got to that office, Buzani told us that he was instructed that he should tell us that we shouldn't talk to each other. And then he pointed out to me that he is hoping that I wouldn't be as troublesome as Weaver Magcai because Weaver was (indistinct) frequently asking to take him to the loo.

The loo meaning the toilet? --- Yes.

So Buzani asked you not to be troublesome in that way? --- Yes, or in any other way. (20

I understand that you were then taken that day to the Jabulani Police Station? --- Yes.

Was that still on the 23rd? --- Yes.

Who took you there? --- Constable Buzani and another black detective.

At this stage did you know on what charge you were being held? --- (No audible reply)

Had anybody told you anything about it? --- (No audible reply)

And did you remain the rest of the day at Jabulani? ---

I did.

On the 24th May, what happened then? That is the next day? --- I was picked up at some stage by Buzani and another black detective to the Protea Police Station.

COURT: You were picked up at the Protea?

MR. ALEXANDER: No, at Jabulani and taken to Protea. Did you see any policemen there? --- Well Warrant Officer Scheepers and Lieutenant Du Plessis.

What happened at Protea Police Station that morning? Were you questioned? --- No, I wasn't questioned at that stage. (10

Now what happened to you after that in broad outline? What happened to you from the 24th May until the 29th May? --- Well from this day I was running up and down with the police.

Running up and down with the police, what does that mean? --- That means I was being picked this day by certain police, picked up, brought back, things like that.

And this went on until the 29th, that is the Monday? --- No, it went on up to the 26th because on the 26th Warrant Officer Scheepers had made arrangements for me to go (20 and collect extra clothing at home because they were taking me to Port Elizabeth.

When were you brought down to Port Elizabeth? --- That Saturday the 27th.

Where were you held? --- I don't know where I stayed the first night anyway but after that I was held at - the following day I was transferred to Despatch.

That you say is the 27th or the 28th? --- The 28th I was transferred to Despatch.

What happened to you between that time and the 2nd June, which was on a Friday? --- Well I spent most of the / time ...

time in Uitenhage. I was being picked up in the morning to Uitenhage and interrogations there.

Who was interrogating you? --- Warrant Officer Sbhoppers helped by Lieutenant Du Plessis.

Was anything said to you during the course of this questioning? --- No.

Now at a certain stage we know that you were taken to a Magistrate which is on the 8th June? --- That is correct.

I'd like to go back as to where you had been shortly before then? --- Shortly before that I was at Despatch. That day I was picked up by Lieutenant Du Plessis..(Court intervenes) ⁽¹⁰⁾

COURT: Is that now the 8th?

MR. ALEXANDER: Some time before the 8th.

COURT: No, he says "On that day".

MR. ALEXANDER: I'm sorry if I misunderstood. Are you talking now about an incident on the same day as you went to the Magistrate? --- Yes.

I'm sorry Sir, that is so. On the 8th you were taken by Lieutenant Du Plessis to where? ---, Lieutenant Du Plessis accompanied by Lieutenant Wilken. ⁽²⁰⁾

Yes? --- This day I was being taken to SANLAM Building. Well on the way we stopped somewhere. Lieutenant Du Plessis got out and walked into a shot. I was in the car with Lieutenant Wilken. Then he wanted to know if I knew who he was. Then I told him that no, I don't know, I don't know him. Then he said well he thinks I don't read newspapers because he featured prominently in the Steve Biko trial.

COURT: Is this now Lieutenant Wilken you are talking about?

--- Yes.

MR. ALEXANDER: And then? --- And then he started relating

/ about

about Steve Biko and said, telling me that if it was not God's will, Steve Biko wouldn't have died. You can say to a man bash his head against the wall, you can pull off his revolver and put it against my temple and shoot, pull the trigger and shoot but if it is not God's will, I wouldn't die. Then after this Lieutenant Du Plessis came back and we drove to SANLAM Building.

What was your reaction to what Lieutenant Wilken was telling you? --- Well my reaction really was that these people are truly heartless. If they can afford to take (10 such tragic things so lightly.

So Lieutenant Du Plessis came back to the car? --- And we drove off to SANLAM Building.

What happened at SANLAM Building? --- At SANLAM Building I was taken in to an office where I found Warrant Officer Scheepers. Warrant Officer Scheepers started telling me that I was going to a Magistrate to make a statement. He told me that it is unfortunate on my part, I just had to play the ball with them, otherwise if at all I don't they will know immediately that I didn't play ball with them at the Magistrate (20 that is as soon as I'm through with that statement, the Magistrate will hand it over to them. Then at that stage Lieutenant Wilkens walked in and he gave me a book entitled "Road to the Left" by Bruno Ntolo.

COURT: I'm sorry, who did this?

MR. ALEXANDER: Lieutenant Wilken Sir.

COURT: Lieutenant Wilken gave you a book? --- Yes.

What title? --- "The road to the left".

By whom? --- By Bruno Ntolo.

MR. ALEXANDER: Who was Bruno Ntolo? --- Well, well, Bruno Ntolo was the man who turned against his own people during

/ the ...

the small Rivonia trial.

In the Rivonia trial? --- Yes.

The small Rivonia trial? --- That is correct. By giving evidence against people he was working with.

As I understand that book by him, (inaudible) suggestion that people should not support the black movements? --- That is correct.

Now that is the book that Lieutenant Wilken gave you? --- Yes.

Did he say anything about it when he did so? --- He (19) gave me the book and told me to co-operate please (inaudible) and that book is in the possession of (indistinct).

You have told us that Mr. Scheepers had said that you had to play ball with them otherwise if you don't do so, the statement will come back from the Magistrate and they'll know about it. What else did Mr. Scheepers say? --- Well he called Du Plessis to accompany us to the Magistrate.

Now you are being told by Warrant Officer Scheepers that you must go to a Magistrate and make a statement. Why did you do so? --- Well firstly, my personal experience of (20) being tortured still recurred and in fact tortured mentally as well, at that very moment by Lieutenant Wilken, I felt I just had to play ball.

What did you hope to get out of it, if anything, by playing ball? --- Well at one stage on our way to the Magistrate, Warrant Officer Scheepers started telling me that he would like me to plead guilty because if I do so then he can always make arrangements for me to appear before a good Magistrate.

Meaning what? --- Well what he meant was he explained what he meant.

/ Well ...

Well please His Worship what he told you? --- I should appear before a good Magistrate who will then sentence me to 3 - 4 years, suspend one year, and then he would in fact make recommendations - I don't know to whom - because there was a Government amnesty for all political prisoners by June this year, 1979, so he'll have my name on the priority list to be released after just a year.

Is that what Mr. Scheepers told you? --- Yes.

And this was, I gather, on the way to the Magistrate?
--- To the Magistrate, yes. (10

Now did you want to take any advice about what he had suggested to you? --- Well my reaction to that was that I would like to discuss that with my attorney, Mr. Chetty.

What was Mr. Scheepers' reaction to that? --- His reaction was "No, no, don't discuss it with Mr. Chetty, nor with anybody."

Now we know that at a quarter past two on the 8th June, you were taken before a Magistrate, Mr. Van Zyl, at Port Elizabeth? --- That is correct.

And there you made a statement which is before His (20
Worship as EXHIBIT Y. You were asked by the Magistrate, a number of questions as to whether you had been forced to make a statement, were any promises held out and so on and you answered "No" to these questions. Why did you answer in that way? --- Well when those questions started cropping up then I realised what they meant by co-operate. So I co-operated.

That is not quite clear to me. If you can just explain it a little bit more clearly? --- As I have already said, I had been tortured physically and mentally throughout my detention up to this stage.

What I want to know is why you didn't tell the Magistrate about that and merely said that you had not been assaulted? --- Well as I have already said, I was told to play ball or else.

This is what you understood by playing ball? --- Yes.

You then made a statement to Mr. Van Zyl, quite a long one, and you have read this statement that you made to him? --- Yes.

And is that the truth of what you know about the whole matter being investigated by Mr. Scheepers? --- (No (10 audible reply)

And the Magistrate recorded faithfully what you had told him in English? --- Yes.

Which you signed? --- Yes.

Now that was on the 8th June. What happened thereafter? --- I was driven back to SANLAM by Warrant Officer Scheepers.

Was that on the same day or on the next day? When was that? --- No, no, I was driven back to SANLAM. When I got there I was transferred back, I was taken back to (inaudible). (20

COURT: Yes. You were brought back to the SANLAM Building on the same day.

MR. ALEXANDER: Was that by Mr. Scheepers? --- And Lieutenant Du Plessis.

Both of them? --- Both, yes.

Then I think you said you were taken back to the place you were held? --- Yes.

What happened on the 9th May? --- Well on the 9th I was picked up once more to SANLAM Building.

I'm sorry, not the 9th May, the 9th June. --- I was picked up to SANLAM Building. Then Warrant Officer Scheepers / told ..

told me that he wasn't very happy with my statement. But fortunately well on that day nothing much happened really. I was taken back to ..(completely inaudible).

Did he tell you why he was not very happy with your statement? To the Magistrate? --- Well all he said was that he is not happy with the statement.

Did he want you to do anything about it on that day, on the 9th, when he spoke to you? --- No, not on that day.

Were you taken back again to - what happened on the 10th June? --- Well I was picked up once more from Despatch (10 to SANLAM Building.

Yes? --- When I got to SANLAM Building - this day I was picked up by Buzani, I don't remember who else, there were two in fact. I was taken to SANLAM Building and when I got there I was taken to an office where I found Warrant Officer Scheepers and Lieutenant Du Plessis. Then Warrant Officer Scheepers told me that he had already pointed out to me that he wasn't happy with the statement, I must now go and make - I must go and add to the statement I had already made.

In what way were you to add to your first statement? (20 --- Well he gave me some points to add to this statement.

What were those points? --- Before getting on to that, please ..(Court intervenes)

COURT: I beg your pardon?

MR. ALEXANDER: He says "Before I get on to that" he wants to say something else Sir. --- While I was discussing with Warrant Officer Scheepers, Lieutenant Du Plessis was with us then. He called me to a window.

COURT: ~~Looking-out-over-it~~ Is this now Du Plessis? --- Yes.

MR. ALEXANDER: He called you to a window? --- Yes. When I got there, he started pointing to a building right down

/ there ...

there, showing a green plant, telling me that that is where I would land on my head if I don't co-operate.

Co-operate in what way? --- To follow what Mr. Scheepers was saying, to add to the statement I had already made.

I come back now to the point of what Mr. Scheepers had asked you to add to your original statement? --- He told me that in that statement I only said "Stanley" saying he wanted me to say "Stanley Magusela".

COURT: What? (10)

MR. ALEXANDER: Scheepers said that in the first statement, he had used the word "Stanley" and now had to make that "Stanley Magusela".

COURT: How do you spell that? --- Mapizela

Did he say Stanley Mabizela? --- That is correct.

MR. ALEXANDER: What else did you have to say or add? ---- I must go and tell the Magistrate that the organisation I was working for was the African (indistinct), call it the South African African National Congress. Then thirdly, I must tell the Magistrate that these people were going out of the country, were going out for military training. That's all. (20)

Now I think it is quite clear from the contents of EXHIBIT Y, that is your first statement, that the man Stanley you referred to, you did not give a surname to. Is that correct? --- That is correct.

The organisation you referred to there, was not identified as the African Nation Congress and the young people who were to be trained that you mentioned in Exhibit Y, were not said by you to be trained for military training. Is that right? --- Yes.

So were you then taken before a Magistrate, Mr. Van der Vyver? --- That day, well I went along with Warrant Officer

/Scheepers ...

Scheepers and Constable Buzani. Then along the way he asked me to repeat what he wanted me to say so that I shouldn't forget.

Why did you feel you had to comply with his request? Or his demand? --- Well Lieutenant Du Plessis takes me to that window. He will throw me out of that window ..(inaudible) co-operate.

COURT: I don't quite follow what you said. Did you say that Lieutenant Du Plessis took you to the window to throw you out? I didn't quite follow what you said? --- What I (10 meant was that if I don't co-operate according to him, that is I'll land up on that green plant.

MR. ALEXANDER: Was that green plant some way down? --- Yes, very low. Way down.

You were then brought before Mr. Van der Vyver on the 10th June where you made another statement at his house, was it? --- (No audible reply)

Do you know why you were taken to his house? --- Well it was after hours or rather it was a Saturday, should I say.

A Saturday? --- Yes. (20

It seems that you were taken there at 25 past 10 in the morning. It was in fact a Saturday. And the Magistrate asked you why you want to make a statement and you are recorded as saying "I want to add to a statement that I have already made." Which statement were you referring to there? --- The one I had already made to this other magistrate.

Then again the same questions were asked, whether you had been forced to make this additional statement and you said "No". Why did you say "No" ? --- Well as I have already stated, I was under a mental torture throughout.

You then made the statement EXHIBIT Z? --- That is / correct.

correct.

Now this is quite a short statement and I want to read out to you what you then said to the Magistrate. You start by saying "I have mentioned a certain Stanley. His surname is Mabizela. He lives in Swaziland." Now as a fact, did you know that the man Stanley that you had referred to, had a surname called Mabizela? --- (No audible reply)

The statement continues: "At a later stage Themba told me the name of the organisation he was working for, he said it is the African National Congress. Stanley Mabizela⁽¹⁰⁾ is one of the top people of the A.N.C. and he had instructed me to get places in the township." Did you know that the organisation you were dealing with was the African National Congress? --- No.

Had Themba ever told you that? --- No.

The statement continues "That you were instructed to get places in the township Soweto in Johannesburg, preferably semi-detached houses so that they could keep their trained men in those houses." Now in your first statement you do talk about semi-detached houses where people would be kept. The (20 statement on the 10th June continues: "Themba told me finally that these people who are leaving the country, are going out for military training." That is not in your first statement. Is it true that Themba told you that? --- No.

Did you know yourself that they were going out for military training? --- No.

The allegation against you is that you made these two statements, Exhibits Y and Z, freely and voluntarily and without being unduly influenced to do so. That is what the State contends in this matter. What do you say? --- Well I think I have already clarified that throughout I was

/ ...

(inaudible) my tormentors who had practically tortured me physically and mentally and throughout, kept on the mental torture.

CROSS-EXAMINATION BY THE PROSECUTOR:

Do you regard Mr. Scheepers as a heartless man? ---

Yes.

Why? --- Heartless because he is responsible for this torture.

Which torture? --- The torture I received, the physical and the mental torture I am referring to. He is the man (10 behind it.

For which physical torture was he responsible? --- That very first torture I received. At Protea Police Station.

Which is that? --- By the police, that is when I was handcuffed to the back and then taken to that dark passage and tortured.

Why do you say Mr. Scheepers was responsible for that? --- Because he is the man who was in control. He could tell them not to or to go on with the torture.

Did you hear him giving any instructions to that effect? --- That is correct, yes. (20

What did he say? --- Well when I was in that office with him, he called his boys and when they came in, following my reaction he told him to move off and they did.

But that was after you had been shocked as you explained in the passage? --- Well, well, well, if he could command at that stage, he could command even at an earlier stage.

But the question is did he do - did he say anything before you were tortured in the passage as you explained?

--- Not only said but smacked me virtually.

What do you mean by "smacked you virtually"? --- Well / that ...

that is following Lieutenant Du Plessis' smack. That is what I mean.

But apart from the smack which you say he gave you, did he do anything as regards your torture as such? --- I say yes. I've already mentioned it. He was the commanding officer as far as I'm concerned. And therefore he did a hell of a lot towards that.

You told the court he smacked you, you were then tortured? --- That is correct, yes.

Did he say anything, that you should be tortured? --- (10) When? At that stage?

Yes? --- No. He encouraged it (inaudible) by not stopping them at that time, when he was in a position to stop them.

Apart from the smack that Mr. Scheepers gave you, did he do anything else to you physically? --- Not physically. No. And yet indirectly yes, he did.

In what way? --- In the very same way of being the commanding officer but allowing these guys to do what they did to me. (20)

From the time that you were brought down to Port Elizabeth, how were you treated by Mr. Scheepers? --- Well our relationship is a prisoner and police relationship, that's all.

Was it a friendly relationship? --- I wouldn't call it friendly.

How would you term it? --- Firstly, personally I feel it is truly naive for anybody to suggest anything concerning friendship between myself and Warrant Officer Scheepers, because as I have already mentioned, this man is responsible for my torture, mentally and otherwise and I have been living / through ...

through that mental strain throughout my detention.

Mr. Ngeleza from what I saw here at court, you greeted each other with the hand and it appeared to me that you were on very friendly terms with each other? --- That is correct. The result of (indistinct) from my side, just a case of condescending, coming down to mother earth, accepting him as a human being never mind what he is. That is why our relationship seems to be so friendly, otherwise if I reacted in his manner then it will be (indistinct). I have taught myself never to hate, this is the thing because I've learned hatred (10 breeds blinkered men.

Apart from the smack that Lieutenant Du Plessis gave you in Johannesburg that you told the court about, did he do anything else to you physically? --- That is correct.

What did he do? --- He was a party to that torture at Protea Police Station.

In what way was he a party? --- Well, well, he was amongst that lot that was torturing me. Apparently well, for crying out loud, maybe he was learning new methods from the Johannesburg group and transferred to Port Elizabeth. (20

How was he taking part, in what manner? --- Like the rest. As I said, it was dark in that passage but he was in that group, he was a party to everything that was happening to me. He contributed to my physical torture. For the same that he started the assault by smacking me from behind.

Apart from being present, did he actually do anything to you when you were tortured or did he assist in doing anything? --- His presence and the fact that he contributed by being the very first one to assault me physically by smacking me and his being involved with that party that was doing the torture, he is, he did.

/ When ...

When the shock, as you describe it, was administered to you, that was in a dark passage as you told the court?

--- (Indistinct) with a hood up to my head.

At what stage was this hood placed over your head?

--- Whilst I was being prepared for the torture, lying down on my stomach.

Was that still in the office? --- No, in that dark passage.

How can you say then that Lieutenant Du Plessis was present? --- Simple. He was there when I was dragged out and he was there when I got up, therefore he was present throughout.

What was your relationship with Lieutenant Du Plessis from the time you arrived in Port Elizabeth? --- Well, as I say I'm a human being without gross hatred. I condescended, accommodated them for getting along with them, that is all.

So were you friendly towards them? --- Well you can term it friendly. Its just a case of accommodation, not friendship. For your own information (to add to that, they are white, I am black. In this unrealistic situation of this country a black man can never be a white man's friend.

COURT: Let us not have political statements, Mr. Ngeleza. The question was merely what was the relationship between you and Mr. Du Plessis when you got to Port Elizabeth? --- Not friendly.

Leave the political statements out.

PROSECUTOR: So would you say that you were on a friendly footing with Lieutenant Du Plessis? --- No. As already stated it is just a case of my accommodating them, otherwise if I had to react in the manner they treated me, well you can imagine what the relationship would be.

/ But

But did you react friendly towards them? --- Yes. It was a matter of accommodating them. And I still do.

If I understand your evidence correctly, from the time you arrived in Port Elizabeth, you weren't ill-treated in any manner at all? --- I was.

In what manner? --- Mentally, as I already stated.

How were you mentally ill-treated from the time you arrived in Port Elizabeth? --- Well, these frequent threats that were being thrown at me all the time.

Threats by whom? --- Warrant Officer Scheepers, (10 Lieutenant Du Plessis, Lieutenant Wilken.

Are those the only three police officers who threatened you in any way? --- (No audible reply)

How did Warrant Officer Scheepers threaten you? --- I have already mentioned, telling me to play ball or else, after having been threatened immediately by Lieutenant Wilken and at the same time being threatened by Lieutenant Du Plessis.

I just want to deal with them separately please so that I can understand your evidence. You said that Mr. Scheepers threatened you by telling you if you don't play (20 ball or that you should play ball? --- I don't play ball.

You don't play ball? --- Yes.

COURT: What would happen? --- Well, well ...

Did he say what would happen if you don't play ball? --- No, no, in fact what he said at one stage was that if I don't play ball with them, then they - that means that they in Port Elizabeth are not like those in Johannesburg, now after my experience with the Johannesburg lot, with them included, if I could expect worse than that then I don't know.

PROSECUTOR: I don't quite understand you Mr. Ngeleza. Did Mr. Scheepers in fact tell you what would happen to you if

/ didn't ...

didn't play ball? --- No, no. He just left it to my mind.

Did Mr. Scheepers make any other threat to you apart from that one that you have referred to? --- During - in fact just before I made that statement.

Now when did he threaten you by telling you that you must play ball? --- That is when I had to go to make a statement.

Where was that? --- SANLAM Building.

Then you also mentioned to another threat passed by Mr. Scheepers prior to you making the statement. Is that (10 correct? --- The second statement, yes.

The second statement? --- Yes.

Where was that? --- (Indistinct) SANLAM Building.

How did he threaten you on that occasion? --- Well, as already mentioned, even then what he said amounted to that I must play ball with them ...(indistinct).... in fact I cannot separate them because they work together and this one does this and that one does this, so that when I look at it I must say it as a real fact.

But you said it amounted to that you should play ball (20 with them? --- Yes.

But what did he say? How did he put it to you? --- Well he said I must co-operate with them.

Why did you regard that as a threat? --- Following Lieutenant Du Plessis taking me to that window, I regarded it as a threat.

Up till then had you co-operated with them, with the police? With Warrant Officer Scheepers and Lieutenant Du Plessis? Fully, in all respects? --- Well, under that pressure, fully in all respects, yes.

And when Mr. Scheepers said that you should co-operate

/ with ...

with them, what was your attitude towards that? --- Co-operation following that pressure.

Until that stage, I take it that you had also fully co-operated with Lieutenant Du Plessis? --- Also then, that is correct.

And at what stage, prior to you making the second statement, was this discussion between you and Mr. Scheepers and Lieutenant Du Plessis? Was it on the same day? --- The same day.

Was that on the Saturday? (Court intervenes) (10)

COURT: Would you kindly repeat that question. You are going a bit fast, I can't keep up.

PROSECUTOR: Sorry, Sir. I only wanted to know at what stage this discussion was that the witness was referring to when the threat was passed by Scheepers. He said it was on the same day when he made his second statement, which would be on the Saturday.

Mr. Ngeleza if you had co-operated fully with the police up till that stage, why would Lieutenant Du Plessis take you to a window and tell you that he'll throw you out (20 of the window? --- To make sure that it sinks in my head that if I don't then they will.

Then they will what? --- Carry out their threat.

COURT ADJOURNS.

COURT RESUMES.

COURT: Mr. Ngeleza you are still under oath.

PROSECUTOR - continues: You have now told the court that Scheepers said that you should play ball and that you should co-operate? --- Correct.

Did you regard those as threats? --- Otherwise I wouldn't have co-operated.

/ Court ...

COURT: I can't hear you? --- Otherwise I wouldn't have co-operated if they were not threats.

I'm very sorry Mr. Ngeleza but I can't hear what you are saying? --- I say otherwise I wouldn't have co-operated if they were not threats.

PROSECUTOR: Were those the only two occasions and the only manner in which Mr. Scheepers threatened you? --- Directly, yes, but I had it in mind all along that I just had to co-operate, play ball with them.

While we are on that point, when did you decide to (10 co-operate with them? --- From the beginning, after that torture.

And what made you decide to co-operate with them? --- Firstly, that torture and of course having it in mind throughout.

And how did Lieutenant Du Plessis threaten you? From the time that you arrived in Port Elizabeth? --- Very well, here and there he would put it as if he was joking, like the first time for example when I met him here in this Court, he continued with this - as if he is joking, (indistinct) (20 and all that but I didn't regard that as a joke. No.

Are you saying that while you were in the accused's dock ..(interrupted)? --- That is correct. Here in court, yes.

Lieutenant Du Plessis? --- Yes. He came along playfully as if he is joking but to me it was the usual thing.

Were your co-accused present then? --- Not when he was talking to me then.

COURT: What are you talking about now? The Prosecutor asked you about things that happened in Port Elizabeth but you are now referring to things happened at Humansdorp. At the present moment therefore it is not clear to me whether you are relating things that happened here in Humansdorp or /things ...

things that happened in Port Elizabeth. I want to remind you once more that the Prosecutor started off by questioning about things in Port Elizabeth. --- Thank you for the clarification.

PROSECUTOR: While you have mentioned the incident that you referred to while you were here in court at Humansdorp, who was present when Lieutenant Du Plessis came to you in court here? --- Well there were still quite a number of people that day.

And did he greet you? Did he come up to you and greet you? --- Yes, he (indistinct) going on in that playfulness of his which I don't regard as being playful. (10)

What made you take exception to the fact that he greeted you and he was playful towards you? --- Why don't I take exception?

Why are you now taking exception to what happened in court? --- It is not a case of taking exception but as I said I am merely accommodating these people and that is all. This is my stand

I want to re-phrase my initial question which led up to this. From the time you left Johannesburg to the time that you made your second statement to the Magistrate, did Lieutenant Du Plessis threaten you in any way? --- He did. Yes he did. (20)

Can you recall on how many occasions? --- Well throughout Where did he threaten you for the first time? (Court intervenes)

COURT: Mr. Ngelaza, there is just something I want to explain to you. You see because of the fact that the questions of the prosecutor are not being interpreted, I do not get sufficient time to write down the question put by the prosecutor / and ...

and be finished with that by the time that you reply. So would you kindly keep an eye on me, I'll indicate either by looking up or by signalling with my hand when you start replying to the question of the prosecutor, otherwise I get a bit behind you see. And I should imagine that your Counsel might well have the same problem. Would you keep this in mind please as far as possible. Mr. Prosecutor the question was "Where did he threaten you for the first time?". What was your reply to that please? --- My reply to that is from the beginning at Protea Police Station, throughout my (10 detention, I have been tortured mentally. Throughout. His mere presence was torture to me.

PROSECUTOR: You referred to the Protea Police Station. How did he threaten you there? --- What I mean is, just to be clear, from that very first incident (indistinct) my feelings were just like a robot.

Which incident are you referring to? --- The very first incident of torture.

Apart from that incident, I take it it is the one where you said you were shocked, apart from that did Lieutenant (20 Du Plessis threaten you as such? --- Yes. I've already said his mere presence is torture in my mind.

Apart from his presence? --- The question is not clear to me.

You keep on saying that his mere presence is torture to your mind? ---- Correct.

Now I want to know apart from his mere presence being torture to your mind, did he threaten you in any way? --- Yes. As I've already mentioned.

How did he threaten you? --- Well I've mentioned that he pointed a flower, a plant, right down, and that is where I would land on my head.

COURT: Is that the incident at the window in the SANLAM Building? --- Yes.

PROSECUTOR: And was that on the day before you went to make the second statement to the Magistrate? --- That is correct.

Did he threaten you on any other occasion? --- All along I was trying to be on their good side by being co-operative as I've said. I've stated that I was just like a robot.

Then do I understand you to say that he only threatened you once and that was on the day before you were taken to the Magistrate to make the second statement? --- Repeat the question please? (10)

COURT: This was the question: "Do I understand you then that in Port Elizabeth he threatened you only once, that is on the day before you made your second statement?" ? --- That is verbally, otherwise along the line. It was just playful, as I have already stated here and my regard to that playfulness I treat them with all (indistinct) it deserves.

PROSECUTOR: Surely Mr. Ngeleza, Lieutenant Du Plessis couldn't have been serious when joking and playing? --- Not under the circumstances. (20)

And if I understood your evidence correctly, you only told the Court about one incident where he assaulted you and that was the slap he gave you at the police station in Johannesburg? --- That is correct.

Now you also mentioned the name of Lieutenant Wilken? --- That is correct.

Now what would he have done to you, Lieutenant Wilken? I would like to re-phrase it Sir. Did he use any force or violence on you? ---- No Sir.

Did he threaten you in any manner? --- Yes he did. I /felt ...

felt threatened then.

When was it that you met up with Lieutenant Wilken?
--- The first time was when he came along with Lieutenant
Du Plessis to pick me up from Despatch to SANLAM Building.

Would that be the same day that you made your first
statement to the Magistrate? --- That is correct.

How did he threaten you? --- No.1, when he asked me
if I knew who he was and I said "No", he told me that he
was Lieutenant Wilken who involved in the Steve Biko trial.
That alone, in my mind, is enough to threaten anybody, but (10
he went on further to say ...(Court intervenes)

COURT: Wait a minute. He went further to say? --- He went
on further to say if Biko's death was the will of God, if
he could take my head and place it against the wall or take
his revolver, put it against my temple and pull the trigger,
if it is not God's will I won't die.

PROSECUTOR: Is that all he said on that occasion? --- (No
audible reply).

Why did you regard the mere reference to the late
Steve Biko as a threat to you? --- I realised it was a threat
when I got to SANLAM Building. (20

Why then? --- (No audible reply)

Lieutenant Wilken threaten you in any other way? ---
(No audible reply)

Mr. Ngeleza I recall you saying in your evidence that
you were mostly questioned at Uitenhage? --- That is correct.

Where at Uitenhage? --- I don't know but I take it
it is the Security Police Headquarters in Uitenhage.

Have you any complaints regarding your treatment or
otherwise at the Uitenhage office where you were questioned?
--- Personally that I had in mind or complaints that I

/voiced ...

voiced out? I don't understand?

The question is have you any complaints that you would like to bring to the Court's notice regarding your treatment at those offices? --- No.

And who questioned you there? --- Warrant Officer Scheepers.

Was Lieutenant Du Plessis present? --- He did, but he was just playing a minor role in the whole thing. Captain Du Plessis was present but he had nothing to do with me.

Did you ever speak to him? --- Yes. (10)

I take it that he also treated you well when he had anything to do with you? --- Yes, under the circumstances.

What were your feelings towards Captain Du Plessis? --- Feelings like the rest of the other Security Policemen, my tormentors, like the rest.

COURT: So he is your tormentor? --- Tormentor.

PROSECUTOR: Why would you regard him as being your tormentor? --- I put them in one package, the Security Police are my tormentors.

Previously I take it you had no dealings with Captain Du Plessis as such? --- No. (20)

PROSECUTOR: I've done the best I could Sir, without having the opportunity of interviewing the witnesses involved and having the opportunity of going into the incidents referred to. I have discussed Sir, the position with my Learned Friends, both Mr. Alexander and Mr. Bowman. The position is Sir, that the evidence of the witness also involves an incident in Johannesburg. There is a possibility Sir, that I might be ready to morrow but it will also suit the Defence Sir, if the Court is not in session tomorrow. They would also like to return to Durban and Johannesburg. For that reason Sir, I

/ think ...

think it will be advisable, with the Court's permission and the Court granting the postponement, until Monday morning.

COURT: I understand the position. Mr. Alexander do you agree with what the Prosecutor has said?

MR. ALEXANDER: Yes, I understand my Learned Friend's difficulties Sir because of the fact that reference is made to Johannesburg, which obviously..(inaudible), especially if tomorrow is in any case a short day. So we have no objection Sir, and I might say I fully understand my Learned Friend's predicament and we offer no criticism at all of (10 his request.

COURT: The case will be remanded Mr. Prosecutor to the 12th March 1979.

BONGONI ERIC NGELEZA, s.s.

PROSECUTOR: The police will say that they did 'phone your house on the night of your arrest. --- That is correct.

And Mr. Scheepers will say that he spoke Xhosa to you in your house ?--- That is not correct.

What language do you suggest he spoke? --- English. In fact I am not suggesting, I am saying that he spoke English.

Did he ask you to get dressed? --- He didn't ask me to get dressed; I got dressed whilst he was still busy searching the house. (10

Mr. Scheepers will deny that he said that most the people were shrewd enough not to use their own names? --- Well, it is common knowledge that the police always deny; it is surprising if they don't in this case.

You told the court that your house was searched but nothing was found ?--- That is correct.

Was anything removed from your house ?--- Yes, that is correct.

What was removed from your house ?--- Family photo album, a batch of photos and two diaries. That is all he removed (20 to my knowledge.

What about a post-office box key ? --- He asked me to take it along with me. In fact it is not with me, it was not removed no.

COURT. I don't follow you. He did what? --- He did not remove the post box key.

Is that Mr. Scheepers ?--- Yes.

He asked you what? --- No, no. The answer ends there, he didn't remove it that night.

You said something about he asked me. What did he ask you? --- Yes, at one stage, at a later stage one evening we drove home to pick up the key and we drove to the post-office.

No, you are not replying to the question. You started off by saying "he asked me". Now what did he ask you? -- No, no, no, let's withdraw that.

No, You can't withdraw something which you have said. -- ..repeat it. He said - (interrupted)

That is all I want you to do. -- Thank you. He said at a later stage we must go home to get the key of the post-office box.

Mr. Ngeleza, you are a man of considerable intelligence. You started a sentence by saying "he asked me". I am asking (10 you to complete that sentence. "He asked me". What did he ask you? -- He asked me at a later stage.

On another day? -- Yes. To accompany them home to go and get.. pick up the post box key.

PROSECUTOR: And your passport? -- I am not aware of that.

Did you accompany Mr. Scheepers to the Orlando Post Office? -- Yes, after picking up the key from home that evening.

When was that? -- A few days after I was arrested.

What happened to the key after that? -- He gave it back (20 to me, if I am not making a mistake.

You say Mr. Scheepers made a fundamental mistake.

COURT: What was that expression? He gave it back to me -?

?: If I am not mistaken.

COURT: If I am not mistaken.

PROSECUTOR: Did Mr. Scheepers unlock your post office box at the Orlando Post Office? -- Yes, he got out of the car, rushed across to the Post Office, unlocked it, came back and (indistinct)

Did he also test other post boxes with that key of yours/....

yours? -- I wouldn't know.

COURT: Other locks? -- I wasn't - (interrupted)

PROSECUTOR: Other locks. -- I wouldn't know, I wasn't there.
He went over alone.

Who was with you when you went to the post office? --
Mr. Scheepers, Lieutenant Du Plessis, another policeman.

COURT: Mr. Scheepers, who else? -- Lieutenant Du Plessis,
another policeman.

PROSECUTOR: Was the number of your post office box on this
key or not? -- No. (10)

Were you asked what the number was? -- He knew what the
number was, so I wasn't asked.

How do you suggest they knew what the number was, or why
do you say that? -- They had a lot of information about me;
they knew quite a lot about me when they came to me. That's
why.

How long.. how many days after your arrest were you taken
to the post office? -- On the third day, I am not sure.

Were you asked which post office served you? -- They
knew about that. (20)

What did you do with the key after it was handed back to
you? -- If I am not mistaken I handed it over to my brother-
in-law together with the house key when he was released.

Where was the key found by the police? -- I took it out
of the wardrobe and handed it over to Mr. Scheepers.

Mr. Scheepers will say that that very night of your
arrest, the key was found, you claim the key as being that
of your post box. You then took the police - that is him,
Mr. Scheepers - to the Orlando Post Office and there you
pointed out box No.139. -- That is what he says and I (30)
don't understand why he should tell such a thing (indistinct)

issue after all really.

After that you were taken to the Protea Police Station.
 -- From my house I was dumped into the back of the van,
 straight to Protea Police Station. That is why I say I
 don't understand why he should go into lies on such simple
 issues?

Did Mr. Scheepers at any stage introduce himself to you
 ? -- No.

When did you know who he was? -- Well, we had a lot of
 interaction together, along the line. (10

COURT: A lot of what? -- Interaction between us.

Interaction? -- Yes, and I got to know him along the line.

PROSECUTOR: When did you know where he was from? -- In
 that stage of interaction, some time that morning of my arrest.

How did you know that he was from Port Elizabeth then?
 -- I say there was a lot of interaction between us, along
 the line.

Did Mr. Scheepers tell you that he was from Port
 Elizabeth? -- No sir.

How did you learn where he was from? -- It came out (20
 from our interaction.

In what manner? -- He was asking me about.. in fact quite
 a lot of things really, amongst others the kids he arrested
 in my house - September 1977.

What about that? -- In fact I was answering your
 question as to how I came to understand he was from Port
 Elizabeth.

I would like a reply to that please. I still don't know
 how you suggest you became aware of the fact that he was from
 Port Elizabeth? -- Well, I think what it comprises really.

What else did he tell you or ask you? -- He asked me
 about/.....

about Mrs Bookholane - that is accused no.4. I wouldn't remember all but amongst these things, then I realised he was from Port Elizabeth.

Was it from the questions he asked you? -- Yes.

Where did he ask you those questions? -- At Protea Police Station.

At what stage? -- After inflicting that torture.

When Mr.Scheepers asked you these questions, did you reply to them? -- Yes, I did.

Before the torture that you refer to, did Mr.Scheepers (10 speak to you at all at the Protea Police Station? -- Well, I think I have already described that scene, that was in that little office where he smacked me finally. It wasn't nice to talk at this stage.

Mr.Ngeleza, you haven't replied to my question. The question is before the torture that you refer to, did Mr.Scheepers speak to you at the Protea Police Station? -- I repeat: we were in that little office with a group of them around me and all that was being said at that stage was incoherent to me. (20

When Mr. Scheepers asked you.. or rather let's put it this way: what did he ask you about accused no. 4? -- He asked me if I knew her.

Yes, and what did you reply? -- Yes.

What else did he ask you? -- For instance to appreciate the fact that this was now after the torture.

When? -- Well, after this (indistinct) any further questions. (Indistinct) he is sure that I knew.. I am aware in fact that accused no. 4 is in detention and she spoke so much about me, he already knows a lot about me. (30

Is that when you started to cooperate? -- Not necessarily at/..

at that stage.

At what stage did you cooperate? — Full cooperation was in Port Elizabeth.

You say full cooperation. Are you saying that you did cooperate in Johannesburg but not to the full extent to which you cooperated in Port Elizabeth? — That is what I mean.

When did you start ^{to} cooperate in Johannesburg? — I say it was not full cooperation. There wasn't much done in Johannesburg, no, interrogation wise.

When did you know what allegations were being investi- (10 gated against you? — After making my first statement to the magistrate.

Who told you what the allegations were? — Mr. Scheepers.

Where was that? — At Sanlam Building, Port Elizabeth.

Mr. Ngeleza, I don't want us to misunderstand each other. I am not referring to the occasion when you were charged formally. I am referring to when the police informed you in general that they are investigating certain allegations against you. — Any stage.

Did you detect what they were investigating? — No. (20

Even from the questions that you were asked, you didn't know what they were investigating? — No, I didn't.

When you were taken into the office at the Protea Police Station, you told the court that Warrant-officer Scheepers and Lieutenant Du Plessis were known to you then, or they were in the office? They weren't known to you but they were in the office? — (No audible answer)

Would you be able to recognise any of the other police who were there? — No, I wouldn't.

Even if you had to see them again? — That is correct, I wouldn't.

COURT: But Apart from Mr. Scheepers and Mr. Du Plessis there were other policemen? — There were, there were.

PROSECUTOR: With the court's permission, sir, I'd just bring in two gentlemen.

Do you know these two gentlemen? — That is Major Visser, the other I don't know his name.

COURT: Have you seen him before? — Yes, I have.

PROSECUTOR: For the record: that is Lieutenant Van Rooy.

You seem to know Major Visser? — Yes, and the other gentleman as well that was here.

Brickston (10

Where do you know Major Visser from? — Police Station.

Prior to your arrest in this case? — No, after.

Did you have any dealings with them? — Not necessarily, no.

And where did you see Major Visser for the first time?

— At Brickston Police Station in Johannesburg.

Was that the first time you saw Major Visser? — That is correct.

At the Brickston Police Station. — That is correct.

How long after your arrest? — About 3 or 4 days. (20

Did he speak to you at the Brickston Police Station? — No

What happened on that occasion? — He had come with other policemen to pick me up.

COURT: Pick you up or out? — Pick me up, too me out to Croxley Police Station.

PROSECUTOR: What happened then? — Nothing.

Where did you see Lieutenant van Rooy for the first time? — There at Croxley.

Was that prior to your arrest on this case? — No.

When did you see him for the first time? — I am not sure, but this will be after that assault. (30

After/..

After the assault. — Yes.

Mr. Ngeleza, is it correct that Lieutenant Van Rooy was also present when you went to different places, that is after your arrest? — That is correct.

And did you get the impression that Lieutenant VAN Rooy was assisting the police from Port Elizabeth in the investigations in Johannesburg? — No.

Why do you say that? — Because Warrant-officer Scheepers was the commanding officer.

Do you agree that Lieutenant Van Rooy was also one of (10 the men who came down with you from Johannesburg to Port Elizabeth? — That is correct.

Have you any complaints against Lieutenant Van Rooy that you would like to put to the court at this stage? — Not at all.

Is it possible that Major Visser and Lieutenant Van Rooy were in the office where you were taken to at the Protea Police Station on the evening of your arrest? — Very very clear Major Visser was not there; Lieutenant Van Rooy I don't know. (20

You don't know if he was there? — Or not, yes. I wouldn't say.

COURT: Major Visser?

PROSECUTOR: That is correct.

COURT: You say Major Visser was not there at all? — No, he wasn't there.

And Van Rooy you can't say.

PROSECUTOR: Will you agree with me that Major Visser is the commanding officer of the Security brach Soweto? — I didn't know that but, thank you very much for the information.
if it is so

You see Major Visser will tell the court that he was

at the Protea Police Station when you were brought to that police station. — With due respect to him, I am not aware of that.

COURT: Mr. Prosecutor, are you referring to the night of his arrest ?

PROSECUTOR: That is correct, sir.

Lieutenant Van Rooy will also say that he was present at the night of your arrest. — He was also present when I was tortured.

COURT. Are you now starting to put questions? Would you kindly reply to the question? (10)

PROSECUTOR: Can you deny that he was there? — I wouldn't as I have already said.

Major Visser will say that if you were ill-treated in any way whatsoever at his police station, he would have known about this. — ^{It is not} for him to say.

Lieutenant Van Rooy will also say that he was present the night of your arrest. — It is not for him to say.

He will also say that at some stage you were left in his custody. — No. I was always in the custody of Constable Buzani. (20)

That was before you were taken to Constable Buzani.
— (No audible answer)

Did you know that Major Visser was a major in the Security Police when you saw him at Brickston? — No, I didn't.

When did you know that - if at all? — For some time really, I wouldn't say exactly when.

Were you still at the Protea Police Station then? — Yes, before we left for Port Elizabeth.

And did you see Major Visser before you left? — Yes (30)
I did.

Did you know then that he was a major? -- At that stage?

Yes. -- No.

Did you know that he was somebody with authority at the police station? -- Yes (indistinct) like somebody in authority but I didn't know what his rank was.

In the office at the Protea Police Station, you said that you were assaulted by Lieutenant Du Plessis and Warrant-officer Scheepers. Did you sustain any injuries at all? -- No. You are referring to that office before the torture.

Yes? -- No injuries. (10

Mr. Scheepers will say that in that office he told you that he was from Port Elizabeth. He also told you what allegations he was investigating. -- What has he got to hide? He doesn't in fact tell the truth.

He will say that he then asked you if you knew Sister Bookhalane? -- I've already said he did ask me there.

Did you tell Mr. Scheepers about a man living in Zone 2? -- No, certainly not.

Mr. Scheepers will say after that interview he left you. -- Yes, in fact he did^{n't} leave me because I was taken (20 to another office that is when I met accused no. 6 for the first time. That morning.

Now the shock treatment that you refer to did you have any after effects from that? -- Yes, I did. That numbness in my brain throughout for quite some time and that jerky feeling.

For how long did you have this? -- It is difficult to say really for how long.

Was it a couple of hours? -- Yes.

The police will deny assaulting you or torturing you (30 in the manner in which you described at the Protea Police Station /.....

Station. — It is common knowledge that they always deny; there are seven wonders in the world and this would be the eighth if they admitted.

Mr. Scheepers will also deny that he threatened you with any group of men or tortured you. — The world could go upside down really if he admitted; they always deny.

You've told the court that from the Protea Police Station you were taken to the Jubulane Police Station? — That is correct.

Were you visited by the police on the 23rd of May, (10 during the evening at the Jubulane Police Station? — I was not visited, it was not on that date. I might be wrong on this, I want you to appreciate that.

When was the first occasion, according to you, that you went out with the police? When was the first occasion, according to you, that you went out to different places with the police? — It might be on the same evening or the night after, I am not sure.

Didn't you take the police and point out certain houses to them? — No, this is (indistinct) May I go now ... on (20 those occasion. It was just a duplication of their trip.

Could you explain that then? — What I mean is when they took me out to those places, they had already been there previously and they knew the places. (Indistinct)

Which places are you referring to? — The places they took me to. In the townships in Soweto.

To what places did they take you in Soweto? — Amongst those which had been given.

But was that to specific houses? — Yes, to specific houses that they already knew. (30

Did you also know those houses? — Well, two of them yes.

Whose houses did you know? -- The first one is Mrs. Moqgobu's house.

COURT: Mrs who? -- Moqgobu. M-o- I don't know if the surname is correct anyway - M-o-q-g-o-b-u.

Mrs. Moqgobu and the other one? -- It was Hashe's place.

PROSECUTOR: To what houses did the police take you? --
? I said one is Ntube which I don't know.

Why did the police take you to these houses? -- I don't know.

Were you asked anything about these houses at all? -- No. (10

Or about the occupants of those houses? -- No.

Mrs. Moqgobu was picked up that night and taken to Croxley Police Station. She was released the next morning. Monde Hashe was also picked up that night and later released at Sanlam Building.

What night are you referring to? -- The very night I went out with the police in Soweto.

Is that the only night you went out with them? -- Yes.

So you only went out on one occasion during the night time with the police? -- That is correct. (20

Did you go out with the police to any other place? -- Yes, we did. was

Were you present when this Moqgobu arrested? -- That is the night I was in their company. I only realised at Croxley Police Station.

The question is were you present when she was arrested? -- No, I was in the car outside.

At her house or at the police station? -- At the house when they picked her up, and I didn't realise at that stage that she was taken too. I only realised this at the police station.

Was a man by the name of Oupa known to you? -- Yes, he was.

Do you know where he stayed? -- Yes, I know where he stayed. That is Moqgobu's son.

Is that a lady that was arrested, Moqgobu. So she is the mother of Oupa? -- Correct.

Do you know Mandla Langa? -- No.

Have you ever heard about him? -- No, only after my arrest.

Where did you hear about him? -- I am not sure really when, at what stage, I cannot say for certain.

From whom did you hear about Mandla Langa? -- I think (10 from Warrant-officer Scheepers if I am not making a mistake.

Where was that? -- At Uitenhage or Sanlam Building, I am not sure.

Are you sure it was after you left Johannesburg that you heard about Mandla Langa? -- As I have already said I am not certain.

I want you to be certain, Mr. Ngeleza. -- (indistinct) I am not sure.

What were you told about Mandla Langa? -- I wasn't told, I was asked if I knew him. (20

Anything else? -- Not that I can remember really.

And you say you didn't know him? -- Yes.

And I take it from that that you had no dealings with him either. -- No, not at all. How can I visit a man I don't know?

Do you know what this Mandla Langa was supposed to have done? -- I learnt at a later stage, yes.

You learnt at a later stage. -- There was a lot of interaction.

Mr, Ngeleza, just to clarify one aspect, you told the (30 court in your evidence in chief that the first statement

which/..

which you made to the magistrate, the contents thereof is the truth. Is that correct? — I made the contents yes.

Do you want to change your version that that is not the truth? — (Faulty recording) in any version.

Will you kindly reply to this question? Did you say that that was the truth? — I said that that statement was true.

Do you stand by that? -- Yes.

You are aware of the contents of that statement? — I (10 am aware of it, it remains to be seen if the contents is true.

Mr. Ngeleza, I don't follow you, I don't follow your reply. — Let me clarify it now. What I mean is - (interrupted)

COURT: I am sorry, I don't think the Prosecutor has finished his question, have you?

PROSECUTOR: Sir, the reply is that it remains to be seen whether the contents is true.

COURT: Sorry, perhaps you are misunderstanding me. I say this is your question "I don't follow your reply". Is (20 that your full question?

PROSECUTOR: Well, I can add, sir, that it is not clear to me if you say that it will remain to be seen whether the contents is true? What do you mean by that? — What I mean is as long as he talked to the police and they are satisfied without even concerning whether the contents is correct or not, as long as they are satisfied, this story ends there.

COURT: Mr. Ngeleza, I am afraid you leave me far behind. I do not understand at all what that answer means. — What it means is whether the contents is true or false, as long as the police are satisfied. That is where the story ends.

What/...

What story? — The contents.

I don't follow what you are saying at all. The question is really a simple one, I'll go back a bit. The question was this: you said in your evidence in chief that the contents of the first statement you made to the magistrate were the truth? — Which is true because I made that contents.

Yes, alright. In other words, it came out of your mind? — That is what I meant, yes.

But then you go on and you say "I stand by that, I am (10 aware of it, it remains to be seen if the contents is true." To my mind this is the question now: first of all you say the contents are the truth - (court and witness speaking simultaneously - in_audible)

Wait a minute, we can't speak together. Then secondly you say "It remains to be seen whether it is true". These two things are not compatible. — Well, this is not compatible. What I mean is I made the contents of the statement but whether what is contained in that statement is true or false, remains to be seen. (20

How can it remain to be seen when you say that it is true? — well, what I mean is - what I mean.. let's get it clear please. I made that statement under (?) just to please the police, take them off my back, but what I said is it true or not, this is what I mean.

..just getting deeper into this muddle. I leave it to you, Mr. Prosecutor.

PROSECUTOR: As the Court pleases. Mr. Ngeleza, is the contents of your statement - that is your first statement - true or false? — As I have already stated it is true.

What you mean by that is that what you told the magistrate in fact happened? — Not in fact happened. What I told him

is what (indistinct).

COURT: Again I am sorry, I can't follow what your reply means at all. — I don't understand the question.

There are two questions put to you by the Prosecutor. The first is: is the contents of your ^{first} statement true or false and you say it is true. And then the Prosecutor puts the question in a little different way and he says: What you told the magistrate, the contents that you told him is that the truth? And then you start off with a reply that I cannot.. I find it even hard to write it down. (10) Because I cannot understand it at all. — What I told the magistrate is what it contains, that statement.

PROSECUTOR: Mr. Ngeleza, what you told the magistrate is that in fact what happened? — No.

What do you mean by that? — What I mean is there is nothing like that, that is contained in that statement. It is just to satisfy the police (indistinct)

But the information that you supplied to the magistrate when making your confession, or the statement rather, is that from your own knowledge? — No. From the knowledge (20) I picked up somewhere along the line.

Where and along which line? — During my interrogation and the line is this. You'll appreciate the fact that I've said when the police came to me, they already had a lot of information. Now the line of interrogation is very, very simple if you use your brain.... You can gather a lot of material and make up any story and as long as it satisfies them, then everything is over.

So what you are saying is that the police told you what to say? Not.

COURT: I am sorry, Mr. Prosecutor. I don't think that is a fair question. When you say so what you are saying is

that the police told you what to say. That is not to my mind the true position of what he is saying.

PROSECUTOR: As the Court pleases.

COURT: He says they told him many things, they discussed with him many things and from this he gleaned certain stuff which he put in his statement.

PROSECUTOR: I appreciate that, sir, thank you. I withdraw that question.

COURT: That question is struck out. I can't strike it out, it is not admissible. (10

PROSECUTOR: (Contd.) And you then decided out of your own from the information that you gathered what to tell the magistrate? -- To ^{co-}operate, as far as cooperation goes under the circumstances.

You told the court that you knew Oupa? -- That is correct.

Did you know him well? -- Yes.

Did you have any dealings with him? -- No; he is a child after all.

You see the police will say that on the 23rd of May, approximately 11 p.m., you were taken from the Jubulane Police Station and you then pointed out the houses of Oupa and Mandla Langa? -- That is not correct. As I have already said these trips were a duplication, accused no. 6 had been there before me. (20

DEFENCE: ..ask my learned friend to clarify which policemen were there, sir?

COURT: Is he compelled to do so?

DEFENCE: Except that it (faulty recording)

COURT: Well, he knows your request but I cannot interfere.

PROSECUTOR: Is it correct.. or rather what do you mean

by/.....

by the statement that accused no.6 was there before you?
— He was taken on a similar trip before me, that is what I mean.

Do you know where he was taken to? — I know for certain he was taken to Oupa's place; otherwise other places I wouldn't say.

How do you know that for certain? — He told me.

When did he tell you that? — After we were together.

COURT: After your arrest? — Yes.

PROSECUTOR: When did he tell you that he had also been (10
taken to the house of Oupa? — In our discussions at Swartkops it cropped up.

Only here in Port Elizabeth? — Yes.

Were you and accused no. 6 locked up together at Swartkops? — That is correct.

When you were locked up at Swartkops, were you in different cells at first? — That is correct.

Were you alone in a cell? — No, I was with four - five other young men.

Did you request the police to be locked up together (20
with accused no.6? — Yes.

They conceded to your request? — That is correct.

Did you tell them that you were rather lonely in that cell and you would like to be locked up with no.6? — No. What I told them was that I would like to have him next to me because he is suffering from nerves.

To which policeman did you request that to? — Lieutenant Du Plessis who was in the company.. he was accompanied by Lieutenant Wilken.

Was that the occasion when Lieutenant Wilken handed (30
you the book? — No, that was long after.

After? — After he had handed me the book.

COURT: You had the book already for quite some time, or it had been handed to you quite some time before this incident? — Yes.

PROSECUTOR: Where did he hand you the book? — I think on the date I made the first statement.

Where did he hand you the book? — At Sanlam Building.

Were you taken to the house of Mandla Langa by the police in Johannesburg? — No. To my knowledge it is no.

Where else did you accompany the police to? In (10
Johannesburg? Or from Johannesburg. — Where? I really don't know. The only place I can remember quite clearly is Brayten Station, we ended up at Ermelo.

Who did you accompany to Bracken Station? — The police.

Which police? — I wouldn't know that (indistinct) otherwise Warrant-officer Scheepers and Lieutenant Du Plessis were also present when we got to Brayten.

Did you only meet the two, Warrant-officer Scheepers and Lieutenant Du Plessis at the Brayten Railway station? — No. (20

Oh. Did they accompany you there? — (Indistinct) not clear, quite clear what you want to point out to me. We were travelling in two cars to Brayten and we were fully loaded.

Who was in your car? — I think it was Warrant-officer Scheepers, Lieutenant Van Rooyen, I don't know the other one.

When was that? When did you go to Brayten Railway station? OO I don't remember the date.

Was it at night or daytime?— It was daytime when we got there, in the morning.

When you left Johannesburg? — It was early morning hours. Still dark? — Yes.

That/..

That was the morning of the 24th of May? — Yes, that could be the date, I wasn't sure of that.

Why did you go to the Breyten Railway station? — I couldn't ask, I don't know. Because I only discovered at the end when we got to the station when they told me that they are looking for Oupa and Mandla. I must help them to point them out.

Who is Mandla? — I don't know.

Who requested you to point out Oupa and Mandla? — The police; I was in the company of.. I am not sure in whose (10) company I was exactly but two policemen got out of the car, to the platform, in^{to} the waiting^Kroom in fact on the platform and when the train arrived, I was between the two policemen, got out of the charge office.. that office to the platform, between them waited, watching everybody passing.

You were requested to point out Oupa and Mandla if they were on the train? — Well, these were the people they were looking for. And I had told them that I know Oupa very well.

When you were asked to point Mandla-? — I wouldn't say (20) so because - (interrupted)

COURT: Wait a minute, wait a minute. The Prosecutor hasn't finished his question when you started reply to it. You were asked to point out who?

PROSECUTOR: Mandla. How did you know which Mandla to look for? — As far as I was concerned they knew who they were looking for. That was the impression I got.

But when you were asked to point out Mandla, did you inquire from the police which Mandla? — Let's get it straight please. It is Mandla and Oupa together. I know Oupa and (30) according to them they would be together where they are.

Is that what you told the police, or is that what the police told you? -- I have already stated, I said I didn't know why we had to take that long drive to Breyten until I got to the station. No, it is not what I told them.

How do you know that the police knew who they were looking for, that is Oupa and Mandla Langa? -- They knew Mandla because they had already been to his place in town.

But if they knew him, why would they take you along? -- Well, that is a good question. I have been wondering all along, I don't know why. (10)

Is it correct that you were sitting in the office in the company of Lieutenant Du Plessis and Lieutenant van Rooy? -- Which office?

That's that waitingroom that you referred to at the station? -- I wouldn't say for certain but there were two policemen.

Just to conclude, is it correct that nobody was pointed out or arrested at the Breyten Railway Station? -- Yes, it is correct.

Where did you go to from the Breyten Railway Station? (20)
-- I don't know the area at all really but there was a sign board where we turned off from that main road that said
?
Orthoek and the mileage and then it stated other areas as well
I don't know.

Do you know Ermelo? -- No, never been to Ermelo.

From the Railway station at Breyten, did you go to any specific place in some other town? -- I wouldn't... no, no, from the railway station I say from the main road we took a turn-off into another main road leading in the direction I've already pointed out.

Did you go to a station, a railway station at Ermelo where there were railway buses? -- No, that was at Breyten.

At Breyten you were requested to see if you could identify anybody leaving the train? — That is correct whilst - (interrupted)

I am now referring to an incident involving buses.
 -- Oh well, yes. As I have already pointed out we took that turn-off and as we were driving, we stopped at the police roadblock. All the police got out of their cars, I remained in this car, accused no. 6 in the car behind. The bus came along, we all rushed to the bus and started going.. I don't know what was happening in fact in the bus. It was not the station. (10

At Ermelo were you asked to identify certain persons boarding the bus? -- Ermelo? No.

Do you know where Chrissie Meer is? -- No.

That is the place where you had the braaivleis. -- Who had a braaivleis? Me?

You with the police. -- No, we (indistinct) not me.

Did the police have a braaivleis on that day when you accompanied them? -- No, because when we got to that police station from the roadblock they went inside. What happened in there whilst I was in the car outside, I don't know. (20

You see the police will say that at Chrissie's Meer they had a braaivleis and you also had some of the meat that was "braaied" ? -- (Witness laughs) What does it take them to lie to flimsy really.

COURT: Mr. Ngeleza, I've had occasion earlier to point this out to you that it would help considerably if you were to reply to questions, not to put questions. -- Thank you.

The last reply that you gave you ended in a question. Now you are not questioning the Prosecutor; the Prosecutor is questioning you and it is not your function to ask questions except if a matter is not clear, you can ask the Prosecutor

to make it clear to you. But don't try to be sarcastic, you are not making much headway that way. — Thanks.

You seem to want to amuse the gallery and I want to warn the gallery that if there is any more laughing, you seem to find some things rather funny which I don't, you'll be ordered to leave the court and to stay out.

PROSECUTOR: The bus that was stopped, was that between Ermelo and Amsterdam? — I don't know the area as I have already said.

On that occasion did you see if you could identify any (10
of the passengers? — No, as already stated I was in the bus and they didn't use my assistance, I was in the car in fact, I am sorry, not bus. They didn't use my assistance. They approached the bus without me nor accused no. 6.

After travelling to these various places and various points you mentioned now, you were then taken to the Brixton Police Station? — That is correct.

But you weren't detained there at such, you were only left there for a while? — For a few hours. That is correct.

After you were again met by the police at the Brixton (20
Police Station, did you accompany them anywhere? — That was, if I am not wrong, I am not sure, this was the first time, the first night when Major Visser he picked me up from Brixton. And then I am not sure whether we did go out or not.. Oh yes, we did, because it was the first night, I am certain, to the places I have already mentioned in Soweto.

Are you sure about that? (Interrupted)

COURT: Major Visser took you to the places where you had already been to? Is that what you are saying? — Yes, he was also present that night.

PROSECUTOR: But the pointing out of the house of Oupa and

Mandla Langa was on the night of the 23rd of May, the third night after your arrest. -- No, that is not correct.

23rd of May? -- Not with me, not on that night.

But you couldn't remember the date - when I asked you? -- I can now, it is becoming clearer.

What happened on the night of the 23rd of May then? -- I think I was locked up in Jubulane for the night.

When did you accompany the police to Breyten Railway Station and these other places, Ermelo, Chrissie's Meer? --

I would like to believe that it was in the early hours of the following morning. (10

Of the 24th of May? -- Yes.

And it was after that that you were left at the Brixton Police Station? -- Yes, after I was returned.

You say then Major Visser - (interrupted) -- Picked me up from there.

And where did he take you? -- To Protea Police Station.

From there? -- Well, at some stage, I don't know whether that is the same night, I went out to - well, he was in the company of a number of police when we went out that night to the places I have already mentioned. (20

Was that the occasion that you were taken to the house of Oupa. To what other houses? -- I have mentioned three, and those are the only three. I said it is Mogqobu, Hashe and I don't know the third one.

COURT: Mogqobu? -- Yes, M-o-g-q-o-b-u.

Would that be Oupa's mother? -- That's right.

PROSECUTOR. Do you know a man by the name of Temba? -- No, sir.

Have you ever heard of him? -- Yes, along the line, during the interrogation.

When did you hear about Temba for the first time?

-- I can't remember exactly but during my interrogation.

Who mentioned that name? -- I think it was Mr. Scheepers and I can quote.

Can you quote? -- Yes. I don't know whether that was before.... warrant-officer Scheepers to quote. He gave me the telex message he had received which stated that - it reads as follows, it was written in Afrikaans- well, well, well, even if it is not the whole contents as such but the contents amongst what I'll quote was: It said Patrick (10 (I just forget the middle name) Matshekisa left the country some time in 1976, I think, if I am not wrong, to undergo military training. He came back, I think in '77 -

COURT: I am not sure what you are doing at the moment. Are you now quoting from what the message said, or are you - (interrupted) -- Yes, the message.

Or are you interspersing your own comments? -- No, no, the message.

You are quoting the message. -- Yes.

Patrick Matshekisa left the country some time in 19- (20 (interrupted) -- It is the middle name which I forget - (interrupted)

To undergo military training and what? -- That was in 1976. He was out of the country for 9 months.

Is this still part of the - ? -- Still part of it.

And was out of the country -? -- On his return he worked for a certain company for about 3 months, I am not sure. Then he left that company after 3 months and joined Frank and Hirsch. He left Frank and Hirsch I think also after 3 months and joined the Orlando Post Office. This man is being connected with the death of one Leonard Nkosi with the Security Police, murdered in Durban in his home.

This man is connected with the death of whom? --
Leonard Nkosi.

A Security policeman? -- Yes.

Is that now the end of the message? -- Yes, it continued
in that (noise in microphone - one word inaudible)

PROSECUTOR: Did Mr. Scheepers say anything else? Did
Mr. Scheepers tell you anything, say anything else? -- No,
not that I remember, no.

Did he read this - ? -- No, he gave it to me to read.

When was that? -- I don't remember the stage really, (10
but it was at Sanlam Building.

Before or after you made your statement to the police,
I beg your pardon, your first statement to the magistrate?
-- I am not sure, but I think it was before, I am not sure
really.

The original question I asked was who told you, or when
did you hear about Temba for the first time? You then said
from Warrant-officer Scheepers. Then you started giving
the quotation which you have quoted. -- It might have been
happening before that, I don't know. (20

But in the quotation that you gave, there was nothing
about Temba. -- According to Warrant-officer Scheepers
Patrick Matshikisa is Temba.

COURT: What? -- Temba.

PROSECUTOR: You clearly remember that that was the first
time that you heard about Temba, was on that occasion? --
No, no, I don't say that I clearly remember, I am not sure
(voice fades - inaudible) mentioned before. But what brings
that to my mind is the name Patrick Matshikisa.

After you were taken from the Brixton Police Station,
you told the court that you went to the Protea Police Station
from/..

from there? In fact what happened to you at the Protea Police Station, or from thereonwards? -- I think -- if I am not wrong -- that is the night we went out to these places I have already mentioned.

You see the police will say that you took them out that night and pointed out the house of Temba to them. -- That is not correct.

On the 25th of May you told the court that nothing happened, is that correct? -- Yes.

Now we get to the 26th of May. That is the day prior (10 to you leaving Johannesburg. -- For Port Elizabeth?

Yes. -- That is correct.

On the 26th of May, you told the court that Warrant-officer Scheepers arrange for you to collect extra clothing from your house? -- That is correct.

Did he do that out of his own? -- Yes, out of his own.

Was that the occasion when you also took the post office box key back to your house? -- I am not sure as I have already stated. I am not sure whether I gave them to my brother-in-law or keeping it from that day, I am not sure. (20

Did you ask Mr. Scheepers to return this key to you? -- No.

Where does your wife work? -- American Nurses Nursing Services.

Does she get correspondence from her employer? Letters? -- Not from her employer, no.

From? From where does she normally get her mail? -- I don't understand the question.

Does she normally get mail? -- She does, yes.

Quite frequently? -- Quite frequently yes.

And her mail is also delivered to the same post box No.139? -- 139, Orlando, yes.

Did you tell Mr. Scheepers where your wife was employed? — I did, yes. He even contacted her by 'phone at Sanlam Building.

When did you tell Mr. Scheepers where your wife is employed? — On the very night he gave me permission to 'phone.

COURT: 'Phone who?

PROSECUTOR: Was that from Port Elizabeth? — Yes, from Sanlam Building.

Was that the first time that you mentioned to him (10 where she was employed? (No answer recorded)

If Mr. Scheepers didn't hand you the key, then your wife wouldn't have been able to obtain the post? Do you agree to that? — No, I don't agree.

Who had the duplicate key? — She has got it at home.

Mr. Scheepers will say that you requested him to return the key to you.— I did not.

Because - as you put it - your wife's livelihood depends on the post box key because she was employed by Nursing Services and that her post is sent to that post (20 box. — (Indistinct) for him. She doesn't correspond with her employer by letter. The only letters she receives concerning her work is a Nurses Journal only from Pretoria, from the Nursing Association.

Was that the first time that you 'phoned your wife from Sanlam Building? — No.

When did you 'phone her the first time? — I didn't 'phone then, Warrant-officer Scheepers did the phoning.

Did you speak to your wife? — (No answer recorded)

Then you left Johannesburg on the 27th of May? — (No answer recorded)

With whom were you travelling in the car? — I was travelling/..

travelling with Monde Hashe, we were in the back seat. Front seat it was Lieutenant Du Plessis and another detective I don't know from Croxley.

Do you know where Winburg is? — No, sir.

Did you have anything to eat on your way down? — Oh yes, we did.

What did you have to eat? — I don't remember but it was good stuff.

Good stuff? — Yes.

Is it correct that you stopped at a certain town where(10 food was bought for you, and then you went a little way out of the town and you stopped where there were trees? — That is correct yes.

There you had your lunch altogether. — Yes.

Accused no.4 was also present then, in fact she also came down with you from Johannesburg. None of you were handcuffed? — No, sir.

moving freely? — Yes, that is the custom. That is correct.

Did you comment on the treatment that you received from the police on that occasion? — No. (20

Didn't you say that you were so well treated by the police? — No.

And that you hope to get the opportunity of telling the court so? — No.

From there you travelled on to Middelburg? — I don't know the name of the town.

In any event, there you had cooldrink? — Yes.

You'll agree to that? — Yes.

And there was also some food left of Lieutenant Van Rooy which you and the others had. — No. (30

When you got to Port Elizabeth one of the cars had a puncture/.....

puncture, you recall that? — Not when we got, on the way, yes.

On the way? — Yes.

Was the spare wheel then fitted? — It wasn't a puncture but something to do with the fan belt.

In any event, it is not of much importance. When you arrived in Port Elizabeth food was then bought for you again? — I can't say for certain but that is possible.

You already told the court that you were mostly questioned at Uitenhage? — That is correct. (10)

You will agree that you made a statement there? — At Uitenhage?

Yes? — No.

Was what you said recorded? — What was being said was recorded, yes.

By? — Well, he recorded all I was saying, Scheepers, Mr. Scheepers.

COURT: He wrote it down? — Yes, wrote it down.

PROSECUTOR: And that took place over a period of a couple of days? — That is correct. (20)

And each morning you would start with a new chapter? — Not necessarily, no.

You told the court that you were well treated there? — It is true.

And I take it you have no.. you also said that you had no complaints as to your treatment at Uitenhage. From that I gather that you were quite happy with the treatment by Mr. Scheepers and Lieutenant Du Plesis? Not. — I was merely cooperating as far as cooperation is concerned.

COURT. But the question is whether you had complaints? — Pardon?

PROSECUTOR: Were you happy with the treatment that

Mr./..

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