

MR KUNY: Mr Chairman, just before my learned friend proceeds with the cross-examination, I am instructed that Mr Nofemela would prefer to continue his evidence through the interpreter and it seems that the interpreter has not yet arrived. He should be here and we would ask that the matter stand down until such time as he comes.

CHAIRMAN: Mr Kuny, I am not very much impressed with the request.

MR KUNY: Well he is entitled to use whatever language ...

(intervene) (10)

CHAIRMAN: He was entitled last week, he made his choice, he can proceed.

BUTANA ALMOND NOFEMELA, still confirms:

FURHTER CROSS-EXAMINATION BY MR MARITZ: Mr Chairman I must unfortunately start with an apology this morning. I have just been handed a photo ... (intervene)

CHAIRMAN: With what?

MR MARITZ: Unfortunately I must start with an apology this morning. I have just been handed a photograph, I have only got the one available. May I show it to the witness and (20) see what comes out of it? Will you please look at the photograph that has been handed to you now. Do you recognise that man? -- No.

Are you quite sure? -- I am quite sure.

Because that is the photograph of the Mohabi de Pari that I have told you about yesterday. You have never seen that man before? -- No, I do not recognise him.

CHAIRMAN: What was the apology?

MR MARITZ: I beg your pardon?

CHAIRMAN: What is the apology? (30)

MR MARITZ: /...

MR MARITZ: The apology was that I only had one available. Now yesterday you described the part you played or the alleged part you played in the murder of the deceased, Mr Griffith Mxenge.

Is that right? -- That is correct.

Now except for the fact that he did not have his jacket on was he otherwise fully clothed? -- That is correct.

Did he have his shoes on? -- He had his shoes on, yes.

Do you recall whether either one of you tried to cut his ears off? -- No, I do not recall that.

Did you do anything of the kind? -- I do not recall (10) anything of that.

The deceased had a gaping wound in his abdomen, just above the line of the belt of its trousers. Do you know that? -- I do not know that.

Did you inflict such a wound? -- I do not recall having inflicted such a wound.

Now have you ever butchered a goat or a sheep? -- Yes, I did.

And you go about by cutting its throat? -- That is correct. (20)

To get all the blood out of the body don't you? -- That is correct.

Now in this instance the deceased's throat was cut, virtually from ear to ear. Do you recall who did that? -- I do not dispute that he was cut, but I cannot recall whether he was cut or not.

But when his throat was cut, the great blood-vessels on the right side of his neck were all severed, they were all cut through.

Do you recall that he bled from that wound? -- Actually I did not realise what part of his body was he (30)

cut/...

K14.0147

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cut and so on as we have been butchering him all over his body.

Because according to the pathologist, Dr van Straaten, who

examined the body of the deceased and who testified at the inquest which was held thereafter, that those great blood vessels come directly from the heart and the heart would have pumped blood out at a great volume. Is that not so? -- I do not dispute that.

Would you agree that because of all these wounds the deceased must have bled profusely? -- I do not follow the (10) question?

I am saying that because of all his wounds and especially the fact that his throat was cut, the great gaping wound in his abdomen, that he must have bled profusely? -- That is correct.

And that he would have been covered in blood from head to toe virtually? -- That is correct.

Did you see that? -- In fact he was covered with blood

Yes.

CHAIRMAN: From head to toe? -- From where I could see, he(20) was wearing a white shirt. The white shirt, I am talking about a part of the white shirt where he was, where I could see that he was covered with blood.

MR MARITZ: Now I am not quite sure whether you have testified to this already, but after you had butchered the deceased's body did you leave him lying there where you killed him? -- That is correct.

You did not move him? -- No.

May I just go back to the kidnapping of the deceased, do I understand your evidence correctly that you had your (30) car/...

K14.0216

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NOFEMELA

car parked at the side of the road and when you saw the deceased approaching in his car which was a white Audi the four of you pushed your car into the road? -- That is correct.

By doing that, did you block the entire road? -- That is correct.

So that the deceased could not pass in any event? -- No, he could not.

So in actual fact you forced him to stop? -- That is correct.

Besides the fact that you pushed your car into the (10) road blocking the deceased's way, did you do anything else? -- I do not recall having done anything else, except by having stopped there and waiting for him.

Now when the deceased stopped his car, because his way was blocked by yours, did you then walk up to him immediately? -- That is correct.

Had you drawn your weapon by that time when you walked up to him?-- No.

Did you speak to the deceased? -- I spoke to him, yes.

What did you say to him? -- He opened his window and (20) then he asked me can I help you and I said yes please and after he had switched off the ignition of his car, that is when I produced a weapon.

And you held it to his head? -- That is correct.

So there was no other discussion, except what you have said now? -- That is correct.

Then you forced the deceased into the back of his car? -- That is correct.

Did he have his jacket on then? -- The jacket was at the back of his car. (30)

Where/...

K14.0277

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NOFEMELA

Where in the back of his car? -- It was hanging somewhere at the back.

And then Brian Ngqulunga towed his car? -- Brian Ngqulunga towed his car, yes.

And who was in front with Brian Ngqulunga, if anybody? -- After having forced the deceased to - I did not force him to the

back of the car, I forced him to the passenger seat on the left-hand side and then after Brian took the driver's seat, I ordered the deceased to lie down on the floor and then I and Joseph Masilela got in from the back of the seat. (10)

And then you drove all the way to the Umlazi stadium? -- That is correct.

How far was that? -- I cannot say how far was that.

But it is quite a distance isn't it? -- Yes, it is a distance, but I could not say how far was it.

Would it have been something in the order of two to three kilometres or more? -- As I said, I cannot actually estimate how far was it. It was the first time that I have been in Umlazi by then.

Did you have to drive along big roads to get there? (20) -- Well, since it was the first time I cannot say how did we drive until we arrived at the stadium. What kind of a road did we drive on. I cannot say.

Now all I want to know is weren't you taking an awful big chance by driving with this man that you have kidnapped such a long distance? -- I do not understand the question.

Look, what would you have done if the police had stopped you on the way to the stadium? -- I had actually my appointment certificate as a policeman and was escorting this car in front of us and it was dark by then, at night, I would have

intervened/...

K14.0346

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intervened if ever the policemen have stopped us.

No-no, that is not the normal way that a policeman conducts himself. You do not have your prisoner forced down onto the floorboards. -- It should be borne in mind that it was not even in a normal way too, that policemen should kid-nap people. So it was a different story with normal activities of the police.

That is what I am saying, it was a different story, a totally different story. -- I agree that it was a different story.

(10)

What would you have done if the police had stopped you? -- On that question I would say I do not have any comment on that, but fortunately we were not stopped by the police.

No-no.

CHAIRMAN: But what counsel wants to now is, he says that the possibility of a stop by ordinary police was a real possibility and he says you should have foreseen it and then he says what were your contingency plans, what were your plans in the event? -- We did not actually plan when maybe we may be confronted by the police or stopped sometime. (20)

Did you foresee it? -- No, we did not actually have anything of that.

MR MARITZ: In regard to the planning, I want to read to you from the evidence of Dirk Coetzee.

MR KUNY: Perhaps my learned friend can indicate what evidence?

CHAIRMAN: Probably the first two statements.

MR MARITZ: Not evidence, statements, sorry. I am referring to B3, Mr Chairman, that is the transcript of the tape recording of a discussion with a reporter. (30)

CHAIRMAN: /...

K14.0428

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NOFEMELA

CHAIRMAN: I do not believe I have a copy, page ...?

MR MARITZ: Sorry Mr Commissioner, I am just finding it, page 92 Mr Commissioner. Dirk Coetzee, the second last question on that page, was asked the following by his interviewer:

"Hoe beplan julle nou toe die hele ding."

In other words, that is the murder of the deceased, how was the whole thing planned and this was his answer:

"Laat dit soort van totaal oor in hulle hande van hoe hulle dit

doen. Hulle moet net nie spore los nie."

Well, there is not a "nie" but I am putting a "nie" in (10)
to complete it, do you understand that? -- That is correct.

Is that what happened? -- Actually, that is correct, that
is what happened.

So Dirk Coetzee did not take part in the planning of this
killing at all? -- No, he did not.

He left it over to the four of you to plan. Is that right?
-- That is correct.

Now I want to refer you to a bundle of work cards and the
extracts on the S & T registers - Mr Commissioner, we wish to
introduce this bundle, which is quite handy, they are (20) all
together, can we give him a new number?

CHAIRMAN: Yes, what would the number be Mr Roberts?

MR ROBERTS: 99.

MR MARITZ: Now in this bundle, all the work cards and some of
the S & T registers are bound together and there are 42 documents
in this bundle. Now I have analysed these documents and I want
to put the following to you, they do appear in these documents.

CHAIRMAN: Are the numbers done till page 63 - it is 42 docu-ments,
63 pages? Mine has a map at the end. (30)

MR MARITZ: /...

K14.0565

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MR MARITZ: That is so Mr Commissioner. According to these
documents, constable Du Preez left for Durban on 4 November, do
you recall that? -- I do not recall that.

CHAIRMAN: He left for Durban?

MR MARITZ: For Durban on 4 November, as you did. You also left
on 4 November. -- That is correct.

And then there was Kgoadi, who also left on 4 November, do
you remember that? -- I do not remember.

CHAIRMAN: Who, Kgoadi?

MR MARITZ: Kgoadi, that is the name number 11 on the (10)
index. And then there was Le Roux, who also left on 4 November,
do you remember him? -- I cannot remember him.

Do you remember the man? -- Yes, I remember the man.

And then there was Letsatsi, he left on 4 November. -- Yes,
I remember him.

You remember him and then there was a man by the name of
Malegaga - M-a-l-e-g-a-g-e, Malegaga. Do you remember such a man?
-- That is correct.

That is five and then there was a man by the name of
Mbanda, do you remember him? -- That is correct. (20)

And then there was a man by the name of Modiba. -- That is
correct.

Do you remember him? -- That is correct.

He also left on the 4th and then there was a man by the name
of Mose - M-o-s-e, do you remember him? -- That is correct.

He also left on the 4th and there was Brian Ngqulunga who
left on the 4th. There was David Tshikalange who left on the 4th
and there was Van Dyk who left on the 4th. -- I remember them.

(30)

So/...

K14.0633

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NOFEMELA

So that is about 11, that is 12 people, that left on 4 November.
-- That is correct.

Did all of you leave Pretoria together to go to Durban? --
No.

Did you go in convoy? -- I do not know whether they went to
Durban, in fact I did not go with them, neither in convoy.

Well then you must please tell us about that. How did this
come that you went separately? -- I went to Durban for a certain
purpose, that is to eliminate the deceased.

CHAIRMAN: But you did not know that before you reached (10)
Durban. -- But I knew that I was going for a mission in Durban.

So I do not know whether these people went different-ly, but the very same day with us, I do not know, because I did not meet them in Durban.

If you say mission, what do you mean by mission? -- When we are told about a mission, we mean a specific job that is going to be done, except a usual job that we use to do.

So it is any kind of police job, a mission? -- No, not a police - any kind of a squad job.

I am not quite sure, but this was the first case, (20)
the first instance you went on a mission? -- That is correct.

So how did you know it was a mission when you were not told? -- During our training we were being told that we are going to be given missions and they explained what that mission is and that is why I said, a mission I understood by then, that when they talk about "mission" they talk of a specific job that is going to be done.

Your visit to the Eastern Cape, prior to that, that was not a mission?-- No, it was not a mission.

So this is your first mission? -- That is correct. (30)

Fine/...

K14.0694

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NOFEMELA

Fine.

MR MARITZ: Let me just complete the list ... (intervene)

CHAIRMAN: Could I just, I am not quite sure that I understand this, now who told you that you were going on a mission? -- Brigadier Schoon told me that I am going to a mission in Durban and I have to listen carefully to what the captain is going to say to me.

Now how did you know what he meant by the word "mission"? -- I have already told about what does it mean by captain Coetzee.

(10)

MR MARITZ: Let me complete the list: There was also Jack Bosego, who left on 6 November for Durban, do you recall that he came later than you did? -- No I did not meet him in Durban.

CHAIRMAN: He left on the 7th.

MR MARITZ: The 6th Mr Commissioner and then there was a man by the name of - sorry if I cannot get the pronunciation right, that is Mogoai. I will spell it: M-o-g-o-a-i. Is that right? -- That is correct.

Do you remember that man? -- I remember the man. (20)

He arrived a day later, he left on 5 November, do you recall that he came later? -- No I do not recall.

And here is the conundrum: Dirk Coetzee only left Pretoria on 11 November. Do you recall that? -- No.

Can you explain your earlier evidence then, that you met him in Durban the day after you arrived there and that was on 5 November, when he was sitting in Pretoria? -- It was only that I met him the very same day on 5 November, where I was given instructions by him.

That is not possible, because he only left Pretoria (30)
on/...

K14.0776

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NOFEMELA

on the 11th. -- I am telling what I have experienced.

CHAIRMAN: Well counsel says to you that the documents show and documents need not rely on recollection, the documents show that you were for six days or seven days in Durban before Coetzee arrived in Durban and he says that cannot fit in with your evidence? -- The fact is I met Coetzee on the 5th.

Well if Coetzee was in Pretoria that evidence cannot be true. -- Coetzee could not have send me to Pretoria had he known that I would not find him.

Yes, unless your evidence is not true that you met (10)
Coetzee on the 5th. -- I am sure about it.

MR MARITZ: Now one thing is certain, that save for a couple of people who came back a bit later and a couple of people who came back a bit earlier than 21 November, the great bulk of you who had all gone down on 4 November, all of you came back together on 21 November. Is that correct? -- It is not correct, I did not go along with other people.

CHAIRMAN: No he says, coming back from Durban. -- No, I did not even meet these people in Durban.

MR MARITZ: Did you never see ...? -- I was not even - I (20)
am not even aware that they were in Durban by then.

From 4 to 21 November 1981, virtually the whole Vlakplaas squad was in Durban and you do not know it. -- I do not know.

You do not know what they were doing? -- I do not know.

You do not know where they slept, where they were barracked?

-- No.

But they were barracked with you. -- I dispute that.

At the C.R. Swart police station. -- No.

In single quarters, sorry at the dog unit in Durban. -- No.

(30)

Weren't/...

K14.0864

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NOFEMELA

Weren't you barracked at the dog unit? -- Yes, I was there.

But everybody else was. -- No.

You deny that? -- I deny that.

You never saw ...? -- It was at a later stage that I was with all the group of Vlakplaas in that particular place, but not in that time that I was given the mission.

CHAIRMAN: In other words you say all these people went on a later trip to Durban? -- There was a certain trip that we all went to Durban, but it was not at that time. (10)

What was the purpose of that trip? -- We were called for investigation in Durban and Pongola and so on.

Was Dirk Coetzee - no, we are talking about Durban, you said the whole group went down to Durban? -- That is correct.

Now was Dirk Coetzee a member of that latter group that went to Durban? -- No.

So it wasn't this group? -- It wasn't this group.

Were you on that work card, do you have your work card, B37?

Now will you just give me the instance where the whole group went down to Durban, let us see? -- Somewhere in (20) 1986.

Yes, in other words, there is only one entry in Durban and that was in June 1986. You say that was when this squad, that was mentioned to you, went down to Durban? -- Not actually the whole name of those people. I remember that instance that we were in Durban and we were many.

But you say, please Mr Nofemela, do not fool around with me, you made it quite clear that you recall that this group, the Vlakplaas group went down to Durban in a single instance. -- That is correct. (30)

MR MARITZ:/...

K14.0971

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NOFEMELA

MR MARITZ: You see the point is this that I am trying to make to you, is that according to the records which are available you went down with the whole group of in-mates of Vlakplaas to go and do a specific job in Durban and that the most of you left on 4 November, isn't that the truth? -- According to the record, yes.

And that is the truth? -- That is not the truth.

CHAIRMAN: Do you say that all these records were falsified? -- The record, as far as I understand, it is not stated in the records that on the 4th I travelled together with these (10) men to Durban.

No-no, do you say that all these records were falsified, just answer the question? -- I would say so, yes.

That they were falsified for the purposes of this case? -That

is correct.

I see.

MR MARITZ: When would that have been, that they were falsified?

-- I do not follow the question.

When do you think they were falsified? -- Because it is not the truth what is in this record. (20)

No, I am saying when do you think that they were falsified?

-- I think it right now that it was falsified.

You mean in the preceding days or months to this commission sitting, that they were then specifically falsified to pull the wool over everybody's eyes? -- I was all along not aware that there is a record that states this way.

CHAIRMAN: Yes, but that does not answer the question. The fact that you were unaware of the fact that record was kept of your movement does not mean that the record was falsified. Was that record, your work card, falsified, the one in (30)

front/...

K14.1027

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NOFEMELA

front of you? -- As I have stated the record is not accurate.

I asked you whether it is falsified? I did not ask you whether it is accurate. -- In some instances.

Now how could it be falsified? How was that document falsified? -- In actual fact the record depend on the commanding officer who is working with us. When he recorded that this person was at a certain place at this time, they cannot dispute that in the office that the men was not there.

No you said that these documents were prepared for this case and this commission, they were falsified for that (10) purpose.

I am not referring to incorrect entries ten years ago. -- I may not have understood the question clearly.

Now what do you say now? -- I do not say this record has been falsified for this commission.

Thank you.

MR MARITZ: Good, that means that whether you travelled together or not, the great majority of the group left Pretoria for Durban on 4 November. Is that right? -- According to record, yes.

And do you agree that the record is correct? -- I did (20) not see them.

I beg your pardon? -- I cannot agree, because I did not see them accompanying me to Durban.

What was the real job of the Vlakplaas people? -- I went to Durban for a different job.

CHAIRMAN: No answer the question please. What was the real job of the Vlakplaas contingent? -- The other job, people at Vlakplaas they have to, especially the former members of A.N.C. they have to go and identify the other members who are still in the A.N.C., the former members and then from (30)

there/...

K14.1091

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NOFEMELA

there they report to any other policeman that is with them and the other work for them is to go and assassinate such people.

CHAIRMAN: But yesterday you said there was only one assassination squad at Vlakplaas and that was your squad. Now you say there was another squad as well. -- I do not say there was another squad as well. If the other squad that goes, in fact within the very same squad that assassinate there are people who are used to identify former member of A.N.C. and as a result they report the matter and then they would be assassinated.

(10)

I do not follow? Will you repeat what you have said? -- It was not only that the assassination squad was, the main work of the assassination squad was to eliminate people. It was not the only work that they have been doing. Sometimes during the course of the year they were just doing the patrolling work, unless there

is information that there are people at a certain place and that is when they are send to elimi-nate those people.

So the main work of the assassination squad was not assas-sination? -- Not always assassinating, I will put it that way.

MR MARITZ: Thank you Mr Commissioner. Let me explain it to you this way: In those years and in subsequent years there were various intermittent cases of subversive activities, terrorist activity in the country, buildings were blown up, installations were blown up, acts of sabotage, people were killed and murdered and so on, you know that? -- I know that.

And the Vlakplaas people had what you termed "Askaris" and those were former A.N.C. members who had been turned and were working with the police, is that so? -- That is correct.

Now the virtue of these "Askaris" was and that was (30)
the/...

K14.1182

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NOFEMELA

the only virtue, is that they knew their former colleagues, not so? -- They knew, yes.

In other words, they could identify them? -- That is correct.

By sight? -- That is correct.

And they were the only people who could do that? -- That is correct.

Because you did not have photographs of suspected terro-rists in the country, you had to rely on these former A.N.C. members to have these people identified. Is that not so? (10) -- In fact we do have photographs.

Suppose you would have photographs, but you would have been in a much better position if you had a man who knew some-body, who spent years with him in training etcetera, etcetera to identify a member of a terrorist organisation, right? -- That is right.

Where you came in, was to keep control over these Askaris,

not so?-- That is correct.

Where you further came in was that when you were lucky enough to have a suspected insurgent, or terrorist, (20) or whichever word you prefer, pointed out and identified by one of the Askaris that there would be a policeman available there right on the spot to make the arrest. Is that not so? -- That is correct.

Yes, and that was your job, not so? -- No.

CHAIRMAN: But if you say, that is what you are suppose to do and that you say that was not your job, I fail to understand it? Counsel said to you if you have a suspected insurgent, there had to be a policeman present with an Askari to make the arrest and you said yes. Is that right? -- That is right.(30)

And/...

K14.1264

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NOFEMELA

And now you say it is not your job, how does that work? -- In fact it wasn't actually the only job that I was doing.

Yes, but just deal with this job, we will deal with the rest.

Your one function, counsel said to you, was to control Askaris. -- That is correct.

The second function counsel said you had, was to arrest an insurgent if pointed out by an Askari, is that correct? -- That is correct, I was suppose to do that.

You were suppose to do that? -- That is correct.

Fine, now why did you say no? Carry on. (10)

MR MARITZ: And I further want to point out to you that, as these records show, various members of the Vlakplaas contingent in greater or smaller groups travelled all over the country where their assistance was required in finding in-surgents. Is that right? -- That is right.

And that is why you travelled around so much, because you were assisting in trying to trace insurgents. Is that right? -- That is right.

Yes. Now I want to put it to you, that during November 1981 there was a market escalation in insurgent (20) or terrorist activities in Durban and environment, virtually throughout the whole of Natal and virtually the whole Vlak-plaas contingent was taken down to Durban in an effort to try and curb the activities of the insurgents in Natal, isn't that so? -- I do not dispute that.

You do not dispute that. You spent your days driving through townships in your A-team vehicle, is that right? -- No, incorrect, that is not right.

You visited bars, is that right? -- Yes we did.

You visited shebeens? -- That is correct.

All/...

K14.1357

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NOFEMELA

All in an effort to try and find these insurgents. Is that not so?

I do not follow the question? -- All in an effort to try and find the insurgents? -- No, I did not go to Durban for that.

CHAIRMAN: Why did you visit the bars and shebeens? -- It was the time when we tried not to monitor the visits so much to cause suspicion that we tried to waste time in the bar and so on.

MR MARITZ: For instance this A-team vehicle, there was (10) nothing sinister about the A-team vehicle was there? -- I was not travelling with the A-team vehicle in Durban.

Forget Durban, it is a general question. There was nothing sinister about these vehicles, these combi's that you used with oneway glass, not so? -- There was something.

What was sinister about it? -- The A-team Volkswagen VW is the one that I am referring, the S.A. A-team, we have been using it. We used it in a case when we get to Swaziland, we can hide

weapons on it.

(20)

Well, I am sorry, but you do not understand anything , the fact of the matter is that vehicles with oneway glass were used to protect the Askaris, because the Askari would sit inside the vehicle and he could look out and he could see everybody around him, but nobody could look in and see him and identify him. It was the only reason for using these vehicles with oneway windows, not so? -- That is correct

Yes. -- That was the bakkie that one, not the combi, we did not have a oneway look combi.

I want to put it to you as a fact that there was no (30)

other/...

K14.1442

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NOFEMELA

other use for these vehicles, that was the only use for these vehicles. -- I was working with the people and I know what was the other use of it.

I am putting it to you that it is not so. -- That is in-correct.

Now the conundrum in regard to Coetzee still remains un-explained. What did you then do from 5 November when you arrived in Durban until 11, 12 November when Coetzee arrived, what did you do in that time? -- I am still maintaining the fact that Coetzee briefed me on 5 November. (10)

You are flying in the face of the documents, is that what you say? Once again you are saying that the documents are wrong and your story must be correct? -- It is what happened to me.

The other explanation of course is that you are not telling the truth and that the documents are telling the truth. -- I am talking the truth.

The other explanation is that when you put your story together, you never realised that after nine years there could still be documentary proof as to what your movements were (20) where you went, how you were employed, what you did, not so? --

I know that there is a record of me wherever .. (intervene)

But just now you said to the honourable commissioner that you did not realise that there were such documents available? -- We talked about falsehood and that is where I said I was not aware that there would be something false in this record.

CHAIRMAN: No, that is not what you said Mr Nofemela. You said you were not aware of the fact that there were documents, not false documents. -- I might be (30)
mistaken/...

K14.1527

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NOFEMELA

mistaken, because I got S & T, they must have record apparently.

MR MARITZ: Now very well, you cannot solve the conundrum. Now I want to put it to you that in the police a colonel, as brigadier Schoon was in those days, was he a colonel? -- I do not follow the question?

Was brigadier Schoon a colonel in those days, in 1981? -- Yes, he was a colonel.

Colonels are very high officers, aren't they? -- They could be, a lieutenant can ... (intervene) (10)

But he is a very high officer in the police? -- That is correct.

You shudder when he walks pass? -- That is correct.

Because you are a little youngster, you have just come out of the college, not so? -- That is correct.

And you want to tell this commission that you were taken into the high offices of the colonel before you left for Durban? -- That is correct.

Did you go there alone? -- Me and captain Coetzee.

You and captain Coetzee?-- That is correct. (20)

And he singled you out. -- That is correct.

He said to you, my boy you are going to a mission in Durban and please listen to this captain? -- It is what he said.

What about the other members of the ...? -- They were in Vlakplaas.

But why didn't he get them too, if this was so important?

Why didn't he say to them: "My boys you are going on a serious mission, be careful and listen to your captain"? -- He actually said that to me. He did not call the other people(30)

and/...

K14.1600

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NOFEMELA

and I cannot answer why didn't he call them.

CHAIRMAN: What the advocate tries to put to you is, it is strange that this would happen and do you have any explanation why such a strange thing would happen, that is his question -- In my thoughts I thought that since I have been trained by captain Coetzee, maybe he recommended me somehow to the colonel and that I were fit for the mission and now the colonel let me know that I go to the mission.

MR MARITZ: What possibly may have happened is that colonel Schoon, as he was in those days, came to Vlakplaas and (10) addressed you fellows there, did he do that on occasion? -- No, he did not do that to me.

Did he ever come to Vlakplaas?-- Frequently.

Frequently? -- Yes.

And there he must have spoken to you fellows and told you the importance of what you were doing, not so? -- I cannot recall what was the discussion. He used to come many times to Vlakplaas, but I cannot recall what he was talking about and so on.

But he must have given you lectures. -- No, he did (20) not give any lectures.

He must have spoken to your fellows? -- Yes, he did talk to us.

Yes, he must have explained to you what your job was. -- No. Not so? -- No, he did not.

What did he talk to you about when he came out? -- They were

all coming - officers coming to Vlakplaas for drinking, making a braai somewhere there, talking to us and making jokes and so on.

(30)

CHAIRMAN: /...

K14.1688

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NOFEMELA

CHAIRMAN: They never tell you that you must do your work properly? -- They are appreciating that we should keep on working alright. The people who are drinking liquor, they must not drink while they are working and things like that.

MR MARITZ: Was there strict discipline on Vlakplaas? -- Yes there was strict discipline.

Who ensured the discipline? -- That is correct.

Who ensured the discipline? -- The commanders.

Who were they? -- Who were in charge by then.

Who were they in 1981? -- Captain Coetzee. (10)

Who else?-- Lieutenant Vermeulen.

Yes, who else?-- The others were officers, other sar-geants.

So you were disciplined in a police manner, in the manner that policemen discipline themselves. Is that right? -- There were a sort of a punishment and in the police force there is no punishment. You are being defaulted whenever you have con-travened the regulation of the police, but in Vlakplaas it is different.

But you conducted yourselves properly? -- That is (20) correct.

You had to dress properly? -- No, they do not worry about the dressing and so on, as long as you are in private clothing.

And you were taken to task when you were naughty, when you were drinking and fighting and doing wrong things, you were taken to task, weren't you? -- They would have been beaten those people who drink, who were being found being drunk and punished.

I do not know how they were being punished, but you (30)

were taken to task?

CHAIRMAN: They were punished? -- They were punished Mr Commissioner, by means of assault and so on.

MR MARITZ: So you were not just a ragamuffin bunch of incohesive undisciplined people, that is not the picture is it? -- Well there are people who were actually not disciplined ... (intervene)

But every attempt was made to get you into a cohesive disciplined unit?-- That is correct.

Is that right? -- That is right. (10)

And I suppose that colonel Schoon also made his contribution and spoke to you about this on occasion, not so? -- Well, I do not recall having been said to us that we have to discipline ourselves and so on.

Well, I want to put it to you as a fact that you were never in the offices of brigadier Schoon and that you never received this instruction that you are talking about at that time in any event, I do not know if you may have been there later, but this story of yours is false according to what brigadier Schoon will testify before this commission (20) if he is called upon to do so, there is no such thing.

-- I do expect that he should dispute this, because it involves the life of a person.

CHAIRMAN: Whose life? -- The deceased.

MR MARITZ: Now in regard to this whole issue of when you went down and when you received your instructions I want to refer you to some statement or statements made by Dirk Coetzee in the verbatim transcription of what he said to the reporter, that is B3 Mr Commissioner and I am referring to page 87. He says the following, now you understand Afrikaans. If you (30)

do not follow just tell me. -- That is correct.

He says:

"Ons was in Durban aan die werk soos ons normale werk-saamhede behels. Met ander woorde die opsporing van geïnfiltreerders en elke dag kontak met hom."

That is in regard to the time spend in Durban. Here is your commander, Dirk Coetzee being recorded in an interview and he says that at the time he was in Durban, but the group and that that group and himself were doing the normal work taht you have already described here. Would that be correct? (10) -- I never participated in normal work in Durban, except what I have said in this commission.

But all the others may have? -- They may have.

Then he says that he then received the instruction in regard to the killing of the deceased and then at page 89 he says the following that is after he received the instruction to go and murder the deceased, he says:

"Toe het ek gesê, maar ja en Almond dink ek was nie daar nie.

Ek dink Spyker was by ons - Spyker being David Tshikalanga, maar Joe en Almond nie en toe is daar (20) gereël met Schoon"

That is brigadier Schoon:

"Dat Schoon vir Joe en Almond, noem ook iets daarvan, toe het hulle daar aangekom en die huis is aan hulle gaan uitwys."

So what he is saying here if I understand correctly is that he and David Tshicalange with other members from Vlak-plaas were already in Durban, he received this instruction to have the deceased murdered. You and Joe weren't there and he summoned you from Pretoria. That could not be the truth,(30)

could/...

could it? -- No.

This is nonsense. Do you agree with that? -- That is not the truth, but I do not say it is nonsense.

CHAIRMAN: Well, how can it be sense and false? -- But the way that I said, is not the truth, now the counsel is putting a word in my mouth.

No, all he asks you, it is nonsense, it is false. -- It is false.

MR MARITZ: At page 90 he carries on and then he spells it out further. The question was posed: "En hulle het toe (10) opgekom Durban toe." That is with reference to yourself and Joe and this is the reply from Coetzee:

"Van Pretoria af gekom Durban toe en toe is hulle twee toe gestuur om by die groep aan te sluit. Ek kan nie onthou wat het hulle twee in Pretoria gemaak nie, maar Schoon het hulle toe afgestuur. Van der Hoven het Schoon seker gebel of wat ookal, want ek het gesê ek kan dit nie sonder Joe en Almond doen nie."

And the latter portion refers to the job of murdering the deceased.

What he is saying here is that he received (20) the instruction to have the deceased murdered. He says I cannot do it without Almond and Joe and they must come and then you were sent down from Pretoria to Durban, the two of you alone. -- No.

This is also false? -- That is correct.

Now in regard to the poisoning of the dogs you did in fact receive what was told to you, to have been poisoned meat from Dirk Coetzee? -- I do not follow the question.

With regard to the poisoning of the dogs, you did in fact receive meat from Coetzee? -- I did. (30)

Which/...

K14.2121

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NOFEMELA

Which he told you he had poisoned. -- I did.

Right, this meat that you went and bought, where did you go

and buy it? -- In town in Durban.

Do you know where you bought it? -- No.

Do you know whether you bought it at butchers? -- It was in a butchery yes.

At a butcher? -- Yes.

And what kind of meat was it that you bought? -- I cannot recall what kind of meat was that?

Was it a steak or a bone or what was it? -- I do not (10) recall actually.

Do you recall what you asked for when you bought the meat? -- It was the meat that I bought.

CHAIRMAN: Yes, but what did you ask for, that is what counsel wants to know? -- I cannot recall, but what I can remember is that I bought the meat in a butchery somewhere in Durban, I think it was in the Indian section somewhere there.

MR MARITZ: And how did you receive the meat from the butcher, did he wrap it? -- Yes, it was wrapped.

With what did he wrap it? -- Brown paper. (20)

Brown paper? -- That is right.

Did he wrap it in plastic as well or just brown paper? -- No, the plastic I got it from Coetzee.

What plastic are you referring to that you got from Coetzee? -- It is the plastic that I put meat on top of it and I wrapped it with the plastic. Plastic paper that I came with from the butcher.

When did Coetzee give you this plastic? -- It was the time of the mixing of the meat that I bought later.

I cannot hear you? -- It was the time when I was, (30)

we/...

K14.2188

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NOFEMELA

we were mixing the meat that I bought later.

Did you and Coetzee mix it together? -- No, he was telling

me how to mix it.

Where was that, at the police station? -- In C.R. Swart in the seat of the bakkie, the front seat of the bakkie.

CHAIRMAN: But what counsel wants to know was Coetzee present?

-- That is correct.

When you mixed your bit? -- That is correct.

MR MARITZ: Did you have Coetzee's meat with your meat when you mixed the poison? -- That is correct. (10)

So Coetzee had not really poisoned his meat? -- He poisoned his, but it was not enough according to what I have said to him that the dogs seems to be more, now this meat is not enough.

But when you mixed the poison and the meat, did you put all the meat together? -- No.

That meat that you bought from the butcher and that which you got from Coetzee, did you put it altogether? -- No, only mixed the one that I bought from the butcher.

And then you put them all in the same container? -- (20)
No, I had two, what you call separate parcels.

Did you keep Coetzee's parcel and your parcel separately?
-- That is correct.

What was your parcel in? -- The meat I bought, I did not mix it with the meat of Coetzee.

No-no, I am saying your parcel, the meat that you bought, what was that in, in the brown paper wrapping that you got from the butcher? -- That is correct.

You kept it in that? -- In the brown paper and the plastic.

(30)

Where/...

K14.2269

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NOFEMELA

Where is the plastic? -- The plastic, I got it from Coetzee, we put the plastic and the brown paper.

CHAIRMAN: In other words you used plastic ...? -- And a brown paper.

Yes listen, you used the plastic as an underlay and then you placed the brown paper on top of the plastic and the meat was in the brown paper and then you mixed it, or did you remove the meat from the brown paper and mixed it in the plastic? -- In the plastic, yes.

So you removed the brown paper? -- I removed the brown paper. (10)

So you did not re-use the brown paper again? -- I used it after I had mixed the meat and I put the brown paper above the what you call it, the plastic.

Above the plastic? -- Yes.

MR MARITZ: So when you had mixed it, you wrapped it again in brown paper is that what you are saying? -- I wrapped it with the plastic and then the brown paper on top of the plastic.

Did you wrap the plastic with the brown paper? -- That is correct. (20)

And the other meat that Coetzee gave you what was that in? -- There was a plastic on that, but I cannot remember if it was paper too or what.

What kind of plastic was the Coetzee meat in? -- I cannot recall what kind of plastic was it.

Was it just a sheet of plastic? -- Yes, it was big enough to cover the meat.

But was it a sheet?-- I cannot say whether it was a sheet, but what I can recall is that it was big enough to cover the meat.

(30)

Was/...

K14.2339

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NOFEMELA

Was it a bag? -- I cannot recall.

The plastic that you used to mix your meat, to cover it in, what was that, how did that look?

CHAIRMAN: Was it a bag or a sheet?-- It was a sheet-like plastic.

MR MARITZ: Was it coloured or a see-through? -- I cannot remember.

Was there any writing on it? -- I cannot recall it.

Was there any writing on the Coetzee plastic? -- I cannot recall. (10)

So you and Coetzee sat on the front seat of the bakkie and you mixed this together? -- That is correct.

In fact, I suppose he helped you? Did he help you, Coetzee? -- I cannot recall whether he did help me by giving me the poison or what, but I cannot say what actually he did.

Did he give you instructions as to how you should go about mixing the ...? -- That is correct.

He instructed you? -- He said to me, mix it properly.

Now then you had two containers with two separate lots of meat, the Coetzee meat and your own meat? -- That is correct. (20)

Now when you went to the Mxenge house to go and poison these dogs, did you walk to the house with both these containers? -- No, well I was getting there I mixed them in one, what you call, I put them together.

How did you do that? -- I put, I opened the plastic and then I put the meat ... (intervene)

Which plastic did you open?-- The plastic that I had, that had been given to me by Dirk Coetzee for the meat that I bought later. (30)

No/...

K1.2430

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NOFEMELA

No, but did you put your meat with Coetzee's meat or did you put Coetzee's meat with yours?-- I cannot remember whether I took the meat that I bought and mixed it with Coetzee's or I took the meat that was in possession of Coetzee and mixed it with that, but what I can remember is that I mixed the meat.

Did you throw the wrapping of the one lot of meat, did you

throw that away? -- Yes, I threw it into the yard.

Into the car? -- Into the yard.

No-no, you made one parcel. -- That is correct.

The wrapping of the other parcel, did you throw that (10) away? -- That is correct.

In a dustbin or something? -- No, I did not throw it away immediately after having, I think I burned it somewhere.

Oh, I see. Now I want to tell you that we spoke to a professor from Onderstepoort about this story of poisoning dogs, he is professor Naudé and he has made an affidavit, I would crave leave to hand it up Mr Chairman?

CHAIRMAN: B100.

MR MARITZ: Now professor Naudé is a vet and he is a toxico-logist, he knows all about poisons. Now the evidence (20) at the inquest was and everything indicates the fact that the Mxenge dogs in fact died of strignine poisoning, you would not dispute that, would you? -- No, I would not.

Now professor Naudé says that strignine is such a bitter substance that no dog could eat a piece of meat on which strignine had been smeared, because it is too bitter even if he were able to get it into his stomach, it would be so bitter that involuntary the dog would vomit it up again. Do you understand? -- I understand.

Now it looks as if, let me say this to you further: (30)

professor/...

K14.2605

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NOFEMELA

professor Naudé says the way to go about killing a dog with strignine, is to plac a deadly dose or quantity of strignine in the meat, you cut the meat open, you put it in the meat so the dog cannot taste it, then if he gulps it down, because he does not chew meat like a cat or something, he gulps it down and then he gets, and then it stays in and then he can die, do you follow?--

I follow.

Now this is precisely what Dirk Coetzee says he did. It looks like as if he has poisoned dogs before, now I want to read to you what he says. I am referring to B3, Mr (10) Commissioner, page 94. He says that he had, he says he had a little bottle of strignine in his car at all times with which he poison dogs as the occasion arose and then he says the following:

"Altyd in die kar by my gery"

He is referring to the strignine:

"Altyd in die kar by my gery vir honde as daar honde pla êrens.

Dit het ek by ons kaptein, W.A.L. du Toit, gekry, die tegniese ou daar bo-op die dak wat al die wapens en horlosies en al die "mufflers" opsit en horlosies (20) dokter. Toe het ons by die menasie op C.R. Swart vleis gekry en ek en Paul en Koos Vermeulen het toe die vleis gedokter met net so 'n mesknippie strignien in die middel, gee hom so 'n snytjie, dan sit jy net so 'n mes-knippie in, nie te veel nie, want dan braak die hond en genoeg dat hy omkap en toe het hulle die eerste aand ..."

And then he tells about what you did, but do you follow what he says here? -- Yes.

He says it was strignine, you have got to be very careful if you want to kill a dog, you cannot put intoo much and (30)

not/...

K14.2727

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NOFEMELA

not too little, do you understand? -- That is correct.

You have got to hide it in the meat. Now he is a careful man and he knows what he is talking about, because the profes-sor says he knows what he is talking about. -- That is correct.

But now you come and destroy his carefulness, by telling this commission that he was sitting on the seat next to you, giving you instructions to mix this self-same poison onto the meat. --

That is correct.

It is ridiculous, do you not agree it is ridiculous? (10)
-- But that is what he did, it is what he said I should do.

But it does not make sense. Here is this man, he goes to all this trouble to cut the meat open to put the right quantity of strignine into the meat and he comes, he tells you to do exactly the wrong thing. -- In any event, I went to the house of the deceased and I threw the meat and the dog died.

That is not what I am saying to you. I am saying to you that your captain, your commander says here and he goes about it the right way, we know so, because professor Naudé said that is the right way, he goes about all the trouble to (20) poison this meat correctly, but he sits with you in the bakkie and he gives you every wrong instruction that one can give to a prospective poisoner. I do not understand it, can you explain it, it does not make sense? -- I have got no explanation except that I did as I have told this commission.

The other explanation of course is that you are sucking this from your thumb. -- That is the first time that I hear that from the counsel.

Now what is more, at the inquest the late Mrs Victoria Mxenge, Mr Commissioner, I am being reminded of the time. (30)

Would/...

K14.2865

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NOFEMELA

Would this be convenient to take the tea-change.

THE COMMISSION ADJOURN. THE COMMISSION RESUME.

BUTANA ALMOND NOFEMELA, still confirms:

FURTHER CROSS-EXAMINATION BY MR MARITZ: Mr Commissioner, I am about to read from volume 1 of the inquest proceedings, it is B9, volume 1 and I am referring to the affidavit of the late Victoria Mxenge which was repeated in toto in her evidence at the inquest.

It is page 39, it is EXHIBIT J in the papers.

She says the following:

"On 19 November 1981 the deceased and myself was (10) still sleeping about 06h00. Our first son, Mbasa came and knocked on our bedroom door. He made a report that one of our dogs was dead on the yard and the second one was dying. My husband and I went out to investigate. We found our dogs on the yard. It was obvious that the dogs had eaten something poisonous. Near the mouth of each dog there was a pool of blood. The one dog was dead already and the other was gasping. We searched the yard for any-thing suspicious. Near the gate I found a plastic paper cut out from a Hyperama carrier bag. We do not buy (20) from Hyperama. Inside the plastic paper there were re-mains of food."

Do you understand that? -- I understand that.

Now you did not throw anything like that in the yard, did you?-- Pardon?

What the late Victoria Mxenge described, did you throw anything like that into the yard? -- I cannot recall whether I have thrown anyting except the meat.

You did not throw something which was, a piece of paper, plastic paper which was cut from a Hyperama carrier bag (30) and/...

K14.3016

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NOFEMELA

and which contained remains of food, you did not throw that into the yard? -- I cannot recall, but it could have been, because I was in a hurry when I was doing this.

Are you saying today that you do not know what you threw into the yard? -- I did throw the meat into the yard.

But it is very strange that she speaks of the remains of food. If it was fresh meat, was the easiest thing for her to say she found fresh meat in the yard, not so? It is probably what she would have said if she had found fresh meat in the yard. -- If

she had of course yes.

(10)

But obviously she did not, because she speaks of the remains of food, you understand? -- I understand.

You did not throw anything like that into the yard? -- I threw meat in that yard.

Yes. Another thing too, that if one or more of these dogs had eaten the meat upon which the poison was rub by your-self, they would probably either not have eaten it, or if they had eaten it, they would have vomitted it out again and one would have found it there where the dogs were lying, or in the yard, not so, do you agree with that? -- I cannot agree, (20) I do not know what is the affect of the ... (intervene)

It is quite clear that the late Victoria Mxenge did not find anything like that. Do you have any comment in that regard? -- My comment is only that I was given the meat to give the dogs to eat and that is what happened.

Okay.

CHAIRMAN: I would have thought that if you wish to poison more than one dog, you would see to it that each dog gets his piece of meat and that you will not place all the meat in one bag and throw it over the fence? -- I just spread the meat(30)

into/...

K14.3135

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NOFEMELA

into the yard. I thought each and every dog will take its piece.

MR MARITZ: So did you actually then throw the pieces of meat in the yard one by one? -- Not by one, I just spread it.

CHAIRMAN: How did you spread it? -- It was in the plastic or whatever that I had. When I threw it, I walked with the con-tainer and the meat just spread out of the what you call ... (intervene)

So you threw it out of the container? -- Out of what I had in my hand. (10)

MR MARITZ: Sorry, did you then keep the container? -- I cannot

remember whether after having thrown it, I left it or I took it along with me.

But you threw all the meat out of the container? -- Yes.

Oh, I see. So the piece of the Hyperama bag containing food remains could not possibly have been thrown into the yard by you? -- I have no answer on that.

Is that the best you can do? -- I do not follow the question.

Is that the best you can do? -- The best I can do is (20) that I threw the meat into the yard, that is what I can say and from there the dogs eventually ate that meat and they died. That is the only thing I can say.

CHAIRMAN: Could I just interrupt. I asked you about this aspect when you gave evidence the first time round, my note says that you said that you threw the meat over the fence and it was in a plastic or paper packet and that is not what you are now saying.

Would you just think carefully what the facts were. -- I do not follow what the Commission is saying?

My recollection is that when I asked you about this (30) the/...

K14.3234

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NOFEMELA

the first time, you said that when you threw the meat over the fence, it was in a plastic or paper bag. -- That is correct.

Yes, you said the following: You said you had the meat in one hand. The raw meat ? -- That is correct.

Was it not in a packet? -- That was not in a, that was in a packet, a plastic or paper, I cannot remember, but it, it, but was in a certain, I think in a plastic or paper and I then threw the meat together with the paper and it then got out of the paper, it was not tightened." That is not the same de-scription you have now given. -- I actually did as I have (10) said before, that I have thrown the meat together with what the container was, I do not know whether it was a plastic or a paper.

MR MARITZ: Did you shake the meat out of the container to en-sure that it was spread around? -- That is correct.

So in throwing the meat you shook all the meat out so that you were left with the container in your hand? -- In fact, I threw it in such a way that I could see the meat get out of the container and it spread.

Oh, I see, very well. Wasn't this in the dark, (20) didn't you do this in the dark? -- Yes, it was in the dark, but I could see.

How could you see all these things?-- I was near the fence of the yard, I could see where I was throwing the meat too.

You could not see the dog? -- I could not see what type the dogs were, but I could see the dogs.

Very well. The only other two people besides yourself who venture to say anything about the kidnapping of the deceased, were David Tshikalanga and Dirk Coetzee. Now David Tshikalanga claims that he was with you when you were (30)

supposed/...

K14.3408

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NOFEMELA

supposed to have murdered the deceased. I am going to refer you to a transcript of an interview that he had with a news-paper reporter and wich was recorded on a taperecording, and I am referring Mr Commissioner to B5 and I will read from page 11.

He says the following:

"Kyk, op die eerste keer, hulle het hom, ek meen het dinges gevat, ek meen ons het met 'n bakkie gery. Ons het daar naby sy huis gedraai. Sy vrou seker het uit-gegaan, 'n Passat stasiewa, daarna het ons daar rond-beweeg."

(10)

Now can I just stop there for the moment. Do you recall any such incident? -- No, I do not recall that.

Is it possible that that could have happened, or do you think that Tshikalanga is not telling the truth here? -- Well, as I cannot recall that, I cannot say possibly it happened or it would have happened or something like that.

But you were suppose to observe the house and all the movements around the house and so on. -- Many incidents have happened during my observation there. I cannot remember them all.

(20)

Then he continues as follows:

"Toe sien hulle sy kar."

I suppose when he is speaking of "hulle" then he is speaking of everybody but himself, that is yourself and Joe and Brian.

"Toe sien hulle sy kar. Toe ry hulle voor hom en toe gaan hulle stop, want om by sy huis in te gaan is 'n paadjie, want om by sy huis in te gaan is net 'n paadjie waar een kar kan ingaan.

Dit is net 'n bietjie bo-op die berg. Hulle het toe daar gestop, toe het hulle uitgeklim en die "bonnet" oopgemaak en dit het 'n bietjie

(30)

gereën/...

K14.3579

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NOFEMELA

gereën daardie tyd."

I will go that far for the moment. Do you understand all that?

-- Yes, I undestand that.

What do you say about that? -- It is incorrect where he says we saw his car coming and then we drove and parked, but he is correct when he says we parked the car near his house in a hill-like place.

What about the bonnet? -- He is correct that we opened the bonnet of our car.

I asked you about that earlier on, you did not mention it then. -- I could have forgotten about it, but that was the actual happening of that.

(10)

Well, your evidence was that you pushed your bakkie into the

road. -- That is correct.

To block the deceased's way. -- We opened the what you call
...(intervene)

Do you remember that? -- I remember that.

I see. Then he carries on:

"Daarna het hulle daardie man, het agter hulle gestop."

When he refers to "daardie man" he is referring to the (20)
deceased? -- That is correct.

"Hulle het na hom gegaan. Ek het nie saamgegaan nie. Ek weet
nie wat het hulle gepraat nie en so aan. Hulle het van die
"battery" en "jumpers:" gepraat en so aan en daarna het hulle
vir my gesê ek moet met die bakkie kom agter hulle aan."

Now was there any such discussion about a battery and jumpers and
"so aan"? -- No.

So Tshikalanga must have sucked that bit of dialogue from
his thumb? -- It is not correct what he has said. (30)

He/...

K14.3686

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NOFEMELA

He is not telling the truth here? -- No.

And then we have another version. Now I must say imme-
diately that this is a hearsay version and I am referring to B3 Mr
Commissioner, at pages 97 to 98. This is the document I referred
to earlier on, the verbatim transcription of what Coetzee said
on the taperecording to a newspaper man. He claims that subsequent
to the whole occurrence the four of you reported to him exactly
what had occurred. Is that correct? -- I do not follow the question.

Coetzee claims in this document here that after the (10)
mission had been completed, after you have done everything you
had to do, the four of you told Dirk Coetzee the entire story,
exactly how you planned it, what you did, where you went, how you
went about. Is that true? -- That is correct.

Did you give him the full details? -- After the mission?

Yes. -- But I cannot remember how long was it.

It does not matter how long. What he says here, is he telling the truth that you told him the whole story? -- That is correct.

In detail? -- In detail, yes. (20)

Now his recollection of what you told him is the following:
"Al drie van hulle, al vier meen ek, ek kan nie vir jou sê wie het wat gesê presies nie, hoe het hulle met die enjinkap oopgestaan, dit het gereën, hy het langs hulle gestop, want hy kon nie by hulle verbykom nie, hulle het gevra vir "jumper-cables", kables en toe het een die vuurwapen teen sy kop gehou en gesê skuif oor."

Now I want to read up to there. Where do you think that Dirk Coetzee gets the story of the "jumper-cables"? -- I think (30)

he/...

K15.0062

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NOFEMELA

he got it from Tshikalange.

But it is a lie? -- That is correct.

Now do you think Tshikalange would have lied to Coetzee about that as well? -- Definitely.

Evidently.

CHAIRMAN: Could I just come back to something else, Coetzee says that what you told them about the attack was the following:

"Hulle het gesê sy oor is afgesny, sy keel is oopgesny tot op die been, wel diep oopgesny en hy het verskeie(10) wel hulle het net van baie messteke gepraat, nie een nie, maar ek dink dit was iets in die 40."

In other words what he says is that you reported to him the cutting off of his ear, the cutting open of his throat and about 40 knife wounds or stab wounds. -- It could have hap-pened, I cannot recall who reported that and whatever.

But you could not even recall that it happened? -- It did happen that we did report onto him, but ... (intervene)

No, but today you cannot even recall that you cut open his throat and that his ear was cut. -- I do not know who (20) reported that, maybe it is the one who actually cut the throat.

MR MARITZ: Mr Commissioner, may I enquire, I believe that there are photographs available of the body.

CHAIRMAN: Yes.

MR MARITZ: I would like the witness to look at it.

CHAIRMAN: That is B ... (intervene)

MR MARITZ: I think there are two sets of photographs. One taken from the left aspect and the other from the right aspect, they have been mounted on ... (intervene) (30)

CHAIRMAN: /...

K15.0122

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CHAIRMAN: Yes, they are an exhibit. What is the number?

MR ROBERTS: Mr Chairman, B101 and they are both mounted on the same page and the B101(a) will be the one in which he is looking towards his right and B101(b) will be the one in which he is looking towards his left.

CHAIRMAN: Would you just give the witness the original photo's? It is in the bundle.

MR MARITZ: Yes, but those are photostats, they are not so good, but I will have a look.

CHAIRMAN: Well, I saw them somewhere. It is part of (10) the inquest record.

MR MARITZ: I will work from the photo copies. Now turn to the photograph which is marked with an (a) please. -- That is correct.

Look at that ear. -- I can see it.

It is mutilated. -- That is correct.

Who did that? -- I do not know.

Did you do it? -- It might have happened that I did that, I cannot say it is me or any other one, but it was one of the people who were killing the man. (20)

But this was a robbery, it was suppose to have been a robbery, not so? -- That is correct.

What is the significance of trying to cut off the left ear? -- As we were many and we are attacking him, everyone wanted to have a stab, everyone was actually stabbing him, it might have happened that one cut off his ear, without rea-lising that or intending to do that.

CHAIRMAN: Yes, but that cannot be correct, because the report back was that the ear was being cut off or was in fact cut off.

-- Then the man who reported that is the man who did (30)

the/...

K15.0204

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NOFEMELA

the cutting.

MR MARITZ: You were there all the time? -- I was there all the time.

Now will you look at photograph (b), will you look at that neck please, that neck-wound? -- That is correct.

Dr van Straaten says that that wound was cut right down to the bone. In other words it was a purposeful cut, either with a view to behead the deceased or making sure that he would never ever get up there again. It was cut right down to the bone, it was a deliberate cut of the neck with a knife(10) or a similar instrument. -- I do not dispute that.

Now it must have - it is obvious that it must have taken some effort by the assailant to inflict that wound, not so? -- That is correct.

A very great amout of force must have been used to create that wound, not so? -- I would not say a great amount of force could have been used, I do not know.

And ten to one there had to be more than one cut to get right down to the bone, not so? -- It could be.

Now you claim that you were there. Who did that? (20)

-- As I have told the commission that we were many stabbing the deceased. It might have happened that it is one of my colleagues who cut his throat, I cannot say who it actually was.

CHAIRMAN: Could it have been yourself? -- It could have been myself too, I cannot recall who actually did that.

MR MARITZ: But if it were yourself, surely you would have recall, such a hideous wound that you inflicted? -- The most important thing that I can recall is that the deceased died as he was suppose to die. (30)

Say/...

K15.0288

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NOFEMELA

Say that again? -- Actually the main thing that interested me is that the deceased must die, that is all I was interested in, how he should be stabbed.

But you have said this over and over and over again, you stabbed him and he died immediately, not so? -- That is correct.

And then you carried on butchering his body?-- That is correct. It could happen in the process of butchering him now where you could find, could see a cut throat.

So you are suggesting that after he was dead, that (10) wound was inflicted, the neck wound? -- I said it could have been, but I am not saying that is exactly, precisely.

Well, you must make up your mind now please. You claim that you were there? -- I was there personally.

I am reminding you once again of the fact that you have said over and over again in this inquiry that you stabbed the man, all four of you and he died immediately.-- I said so.

Is that correct? -- That is correct.

If that is the case, then probably or obviously you would have inflicted this neckwound after he was dead or someone(20) would? -- Probably.

Will you look at that gaping stomach wound, the wound in the

abdomen on both these photographs. Do you see that? -- I see that.

Who did that? -- I have stated that I cannot remember who stabbed where, which part of the body of the deceased, but the fact is we all stabbed the deceased, but now I am not in a position to tell this commission I stabbed there and there and there, I am unable.

Now here is another difficulty. You know that the (30) pathologist/...

K15.0358

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NOFEMELA

pathologist, Dr van Straaten, when he saw this body examined it very, very carefully and he found, he wasn't there alone, I think there were one or more pathologists which had been appointed by the Mxenge family to see that he was doing his job properly, so I think we must accept that he did, because there has never been a complaint about what he did. This pathologist, Dr van Straaten, found a number of wounds to the head which he described were caused by a hammer or a similar instrument, you follow what I am saying? -- That is correct.

Do you recall anything of such a nature that the (10) deceased was banged on the head several times with a hammer or a like instrument? -- I recall only a wheel-spanner that I have used.

Now I think you better tell us about this wheel-spanner, where did you get ...? -- I do not actually recall clearly when did I use it and for how many times.

Where did you get the wheel-spanner from? -- From the bakkie.

Where from the bakkie? -- Under the seat of the bakkie.

Describe it? -- It is just under the seat of the (20) bakkie.

Describe the wheel-spanner? -- It is so long.

The witness is indicating I think about 30 centimetres, 45,

yes it is about 45 centimetres long and then what else? -- It is sharp at the end and at this side it has something, a fixed place to work on a wheel, I do not know how can I call that.

CHAIRMAN: It is the spanner part on the one side. -- That is correct.

And the other side is the flat sharpened bit for (30)
using/...

K15.0430

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NOFEMELA

using as a tyre lever. -- That is correct.

MR MARITZ: Was this implement was it straight or bent?-- Pardon?

The instrument, was it, this tool, was it straight or bent?
-- It was bent a little bit at the side where it ... (intervene)

CHAIRMAN: At the head. -- At the head.

MR MARITZ: Now what did you do with this thing? -- I remember having taken the wheel-spanner, but I am not sure whether it was the time that the deceased was stabbed at the chest or(10) I cannot exactly remember when was it, but I remember having taken the wheel-spanner from the car and I did hit the deceased on his head.

Was he standing up when you beat him? -- Pardon.

Was he standing up when you beat him with the wheel-spanner?
-- I cannot actually say whether he was in a kneeling position or he was lying down.

You do not know whether he was standing or lying down when you beat him? -- That is correct.

With which part of the wheel-spanner did you beat (20)
him? -- Not the sharp, with the head.

With the head? -- That is correct.

And you beat him about his head? -- As I could remember.

Why did you beat him about the head with a wheel-spanner?
-- I thought it would be very effective if I used the wheel-spanner.

CHAIRMAN: More effective than four knives? -- Than hitting him with a knife.

Why do you want to hit him with a knife? -- In fact, I took the wheel-spanner with the intention that I will (30)

use/...

K15.0485

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use the sharp point of it to stab the deceased which was longer than the knife that I had.

But it is much more difficult to stab anything with a wheel-spanner than with a knife. I find that extremely strange. -- I think that is the reason why I did not use it in stabbing him.

Yes, but why did you take it in the first instance if ...? -- I thought it was very good for stabbing him than rather with the knife, but I realised later that it cannot work and that is why I only used it in hitting him. (10)

When did you realise that it would not work? -- After I have seen that the knives were more important than the wheel-spanner. MR MARITZ: But you still have not explained why you went to fetch the wheel-spanner in the first instance? -- I thought, as I said, I thought it would be more effective than a knife.

But I remind you of your evidence once again, you have just, you have just moments before this, you have just adhered to it again, I am saying to you again, you have said over and over again in this inquiry that you stabbed the deceased (20) and he died immediately, not so? -- It is what I have said, but I explained what I meant by saying "immediately".

But moments ago you said that is correct. You stabbed him and he died immediately. -- But I have explained to this commission why did I say "immediately", in which sense did I say that.

Well then you must explain it, because I do not understand it. In which sense do you mean immediately? -- I did not mean actually in the sense of immediately as it can be expected, but it took a little bit, a while before he died.

CHAIRMAN: Did you in other words go back to the bakkie to fetch the wheel-spanner, because he was not dying quickly enough?-- He was still alive by then Mr Commissioner.

But he had already been stabbed? -- He was already being stabbed, but he was still alive.

MR MARITZ: Was he helpless at that stage? -- Pardon?

When you stabbed him and in the process of dying, was he helpless at that stage? -- That is correct.

Helpless, lying on the ground? -- He was lying, but at a stage where he kneeled, trying to pull out the knife that (10) was stuck in his chest. After that, after having pulled out the knife he attempted to stab me and from there he fell down and he could not wake up again.

So did he get up after you stabbed him, he fell on the ground with the knife in his chest? -- That is correct.

Did he then get up? -- He kneeled.

CHAIRMAN: On his knees? -- That is correct.

MR MARITZ: He kneeled and then he took the knife out?

Did he then get up and chased you with the knife? -- No, after having took the knife out he attempted to stab me and (20) then he falled and he could not wake up.

And then did he move after that? -- No, he did not move after that.

Did he lie still? -- He lied still.

Did you think he was dead then? -- That is correct.

And when did you go and fetch the wheel-spanner? -- Before that happened.

CHAIRMAN: But he was lying on the ground? -- He was lying on the ground.

He was being stabbed? -- That is correct. (30)

Now what is the wheel-spanner going to do by way of cutting or stabbing? -- I was aware that he was not dead at the time he was lying, he was not dead and people were not now, Brian, Joseph and David were not stabbing him by that stage, they were just looking at him whilst he was lying down and then I went to the bakkie, I think I told one of them that I am going to fetch a wheel-spanner and then they looked at me when I came back and then I only hit him on his head. That is all I can remember about it.

MR MARITZ: No, as I recall your evidence-in-chief you (10) told a different story there. I do not have your exact reference now, but if I remember your evidence correctly, you said that because he pulled the knife out of his chest and because he wanted to stab you with it, you then went and fetch the wheel-spanner to beat him, because you thought you would get him dead quicker. Yes, here it is at page 125, your evidence was the following:

"What else did you do to him? -- At one stage whereby a knife was being, David Tshikalange as I remember, he stabbed him, but the knife could not get out and (20) then he grabbed the knife himself, that is Griffith Mxenge and from there he nearly stabbed me after having taken the knife out of his chest."

And then the honourable Chairman said:

"Yes, but what else did you do to the deceased? -- I cannot actually specify whether did I take a sparewheel, a wheel-spanner after David had stabbed him or before David had stabbed him, but I was at a certain stage in possession of a wheel-spanner."

I am sorry, I correct myself for the record. Can you (30)

help/...

help us now? When did you go and take the wheel-spanner? -- I cannot recall as I have stated.

Do you recall whether it is before the knife episode when the deceased was supposed to have pulled the knife from his chest or thereafter? -- I have made it clear that I cannot re-call when did I fetch the spanner, the wheel-spanner and got back.

You see I have another theory about this and I think this is the more probable explanation, this is this? -- I do not follow the question? (10)

I say I am going to give you the more probable explanation. In your affidavit of 19 October you said that you stabbed the deceased and he died immediately and thereafter you kept on butchering his body. Now we have been over that hundred times, you adhered to that and you have adhered to that for about a hundred times as well, not so? -- That is correct.

But then somebody must have told you or you must have found out that the wounds sustained by the deceased and which were inflicted by a hammer or a similar instrument have (20) remained unexplained and that is why you had to bring in this story of the wheel-spanner to try and explain those injuries. --Could you please counsel tell the commissioner who was that?

I want to know from you if there was such a person? -- Are you making a presumption or are you sure of what you are asking me?

CHAIRMAN: Yes, but he is asking you the question, answer the question please -- No one told me, I was personally there.

Did you or did you not see the inquest report? -- (30)
I/...

K15.0751

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NOFEMELA

I did not.

Even for preparation of your plea? -- I have seen nothing.

MR MARITZ: Let us take another thing. You stated very clearly

in your affidavit of 19 October that you kicked and punched the deceased until he fell to the ground not so? -- That is correct.

Well whether he was unconscious or not, does it make a difference, but he was prostrate on the ground and then your evidence is that you then proceeded to stab him. Now (10) once again I must tell you that the pathologist, Dr van Straa-ten, who was obviously a very-very careful man could find no evidence whatsoever that the deceased had been either punched or kicked as you have described. What do you say about that? -- I am still saying that I did punch him and we did kick him.

But then the evidence would have been there. The patho-logist would have found it. -- I was actually personally doing that and that is why I say I am still saying that.

Your problem is that you do not know the real facts, (20) that is why your story cannot fit in with the real facts. Isn't that so? -- I am not making a story in fact. The thing is I did kill the deceased.

But if you had kicked and punched the deceased until he was lying helpless on the ground there must have been evidence of that at the autopsy, when the post mortem was done? -- I am giving you that evidence.

CHAIRMAN: The people who examined the body, and this is the question, the people who examined the body immediately after death did not find those signs and the point is that it (30)

does/...

K15.0831

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NOFEMELA

does not fit in with your evidence. The fact that you give the evidence does not make it true. The question is whether it fits in with the objective facts, that is the question put to you and what counsel says is, your evidence does not fit in with the facts then established, namely that there were no signs of such an attack.-- I understand that Mr Commissioner and I have no comment

on that.

MR MARITZ: Let us take another thing, the knives.

CHAIRMAN: The what?

MR MARITZ: The knives, I am referring to B3 Mr Commis- (10)
sioner, page 96. Can I ask you this first, do you know what an
Okapi knife is? -- Okapi knife, yes.

It is a clasp knife? -- That is correct.

It is a very cheap kind of a knife? -- That is correct.

Now at page 96, B3 Dirk Coetzee says the following:

"Vir die doel van die operasie het hulle twee Okapi messe gekoop."
That is you, he says that you bought two Okapi knives. -- No.

That is a lie?-- That is correct.

He says that he also gave you a hunting knife which (20)
he got from Schutte. -- I do not know where did he get that, but
the knife that I had is lent (intervene)

He gave you one hunting knife or a butcher's knife? -- That
is correct.

But no Okapi knives? -- No he did not give ... (intervene)

You did not buy them either? -- No, I did not.

Okay. That is another lie he is telling, Coetzee? -- That
is correct.

Now I want to refer you to objective evidence which (30)
was/...

K15.0931

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NOFEMELA

was led at the inquest. I first of all want to refer you to an
affidavit by lieutenant Makanya, I am referring to B9, it is EXHIBIT
F in that bundle, B9, book 1 or volume 1. Now lieutenant Makanya
seems to be a very experienced policeman. You would not know him,
would you? -- I do not know him.

He worked in Umlazi police station. -- I do not know him.

But you accept that he is an experienced policeman? -- I do
not know.

As a matter of fact he says that there are in a year hundreds or thousands of murders in that area and I would (10) have expect that he would have vast experience of murder scenes, but now this is what he says, he says:

"On 20 November 1981 at about 06h30, I was in the company of detective-sergeant Shange when he went to the scene of crime, the driveway onto the Umlazi cycle stadium, from the Mongosutu highway."

Now that is the first point. This body was found in a road adjacent to the Umlazi stadium. Your evidence is that you murdered him in a veld? -- That is correct.

How did it get onto the road? -- I have got no (20) explanation on that.

Secondly he says:

"The deceased was wearing a white shirt, blue trousers with stripes and a pair of socks. There was not much blood on the scene which led me to suspect that the deceased was killed somewhere else and then dumped at the scene."

What do you say about that? -- I say nothing about it.

And then I want to refer you to another observer, EXHIBIT Z in the same bundle. That is the affidavit of Mr Don (30) Kabe/...

K15.1027

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NOFEMELA

Kabe or Don Kabe and I want to refer to paragraph 13 of that affidavit and I must tell you that these people went to the inquest and they adhered to these statements in their evidence.

CHAIRMAN: Whose statement are you now referring to?

MR MARITZ: Mr Don Kabe or Don K-a-b-e. That is EXHIBIT Z Mr Chairman.

CHAIRMAN: The exhibits are fairly difficult to find because they are not in sequence, Don Kabe, yes.

MR MARITZ: Right turn then to paragraph 13. He went with(10)

a friend of his, he was working at a place of safety and he went with somebody and he says the following, that is what he found at the scene:

"There were no signs of struggle in the area. I even said to my companion that it appears that the person was not killed where we found him. It looked like he was just placed there as he was lying on his back."

Now here we have two observers who quite independent to one another came to the conclusion that the deceased was not murdered where he was found. Can you explain that? -- I (20) have no explanation on that. Why he was taken from that place by whom, I do not know.

Is there any reason that you can suggest why somebody would have taken the deceased's body from the veld and carry him into the road and put him down there? -- I do not have any reason for that.

That is a ridiculous supposition, I want to put it to you, don't you agree. It is a totally ridiculous sup-position. -- I have no comment on that.

Yes, I did not think you could have. Now here is a (30)
further/...

K15.1102

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NOFEMELA

further conundrum and this is a real conundrum and I think the world has been waiting for nine years now for an explanation from the man who claims that he did this and I will tell you why. I want to refer you to B9, volume 2, sorry it is not, volume 2 at page 169 of the evidence and this was the late Victoria Mxenge talking here. She was being cross-examined by Mrs Kuheya on behalf of the Mxenge family and she says the following about the state of the clothing of her husband, her late husband and she says the following, the question was posed to her:

(10)

"You say that none of the clothing which was handed over to you

had any blood on it, not even a speck of blood? -- Not even a speck of blood. The only thing which had blood was the underpants. When I saw him at the mortuary, he had no clothing except for the underpants and a piece of white cloth which was covering his front. The underpants were bloody, but the items I got, did not have a speck of blood which was very strange to me."

Now I want from you to explain... (intervene)

CHAIRMAN: According to her evidence she did not receive (20) the shirt.

MR MARITZ: Not the shirt. She received the pants and the pair of socks. She never received the shirt, now I am talking about the pants. I want to know how it is possible that you could have killed the deceased and have got his underpants bloody, but not a speck of blood on his trousers, I want you to explain that. -- I do not know what happened on that. The fact is, we killed him and he was bloody in the upper part of his body as I have explained.

I could see that he was covered with blood, because his shirt was white and(30) he/...

K15.1203

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NOFEMELA

he was bloody by then. That is why I could explain that he was covered with blood.

Now but this is a real conundrum, this is a real conundrum, how can you bloody the underpants without bleeding the pants as well? -- I cannot explain that, I do not know, how can it happen.

The only explanation could be that before the deceased was murdered he was forced to take off all or some of his clothing inter alia his pants. -- Not of what I can recall.

And this fits in with the fact that he was shoeless. (10) He did not have shoes on. His shoes were gone. -- That is what I do not know about.

You do not know about that either? -- No.

The only way in which the deceased could have been murdered to tally up or tie up with the true facts is that before he was stabbed his pants must have been removed, either by himself or by somebody else and after the murder the pants replaced again.

CHAIRMAN: And you will see that there are stabs on the lower abdomen which should indicate that below the, what I (20) would have imagined the belt-line would be. Now what the advocate puts to you, he did, on the probabilities he did not have his pants on. -- He had his pants on.

MR MARITZ: But you have also indicated that he knelt at one stage while he was bleeding profusely. -- That is correct.

That there was a great big struggle, him trying to get the knife out. -- That is correct.

He must have bled on his pants. -- Propably, yes.

Yes, it could not have been anything else, not so? -- That is correct. (30)

But/...

K15.1298

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NOFEMELA

But we have these two great difficulties, number one his pants were not bloody and number two he was not murdered where he was found, that is obvious, but of those two conundrums you know nothing, how is that possible? -- It is possible because after having murdered him, we left him and we went to C.R. Swart.

Are you suggesting that somebody else came along and did all these things? -- I have no comment on that. I do not know what happened after that.

Taken his pants to the dry cleaners in the middle of (10) the night to have them cleaned? -- If that is possible.

But there are limits to possibilities. You are in the realm of ridiculousness now? -- I do not follow.

CHAIRMAN: That was a comment made, ignore it. -- Was it not necessary Mr Chairman that I could hear the comment or what?

The comment was that it is ridiculous and I said you could ignore the comment.

MR MARITZ: It will surprise you too, I suppose, to learn that subsequently Tshikalange has also claimed innocence in this whole murder. He says he had nothing to do with it. I (20) want to read from the transcript that I referred to earlier on, it is B5 Mr Chairman and I am referring to page 11 and I will read on over to page 12. Tshikalange was asked by the reporter on the taperecorder the following:

"Hoe is Mxenge doodgemaak? -- Hulle het hom met die messe doodgesteek."

"Hulle", not him.

"Het hy gehelp steek."

Apparently what the reporter is asking through an interpreter whether David Tshikalange also stabbed and Tshikalange (30) says:/...

K15.1400

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NOFEMELA

says:

"Nee, ek het nie gehelp steek nie.

Maar hy het gesien hoe hulle hom steek? -- Ja, maar ek het voor die tyd weggeloop, want ek moes weggaan met die bakkie."

So two things, he denies that he was involved in the actual murder and number two, he suggests here that he went away before the time.

-- That is incorrect.

Is he lying here too? -- That is correct.

You want to make him part of the murder? -- I do not (10) want to make him, he was.

Now I want to tell you another thing. Your attempts at describing the stadium where the deceased was found, were completely wrong and I am going to show you photographs, it is in a moment. You will see from these photographs that there is no seating and there are no fences and there is no grass-verge

where the people could sit and that the stadium as it looks now, looked the same in 1981, will you look at these photo-graphs?

I have a number of bundles here Mr Chairman.

CHAIRMAN: That is B102? (20)

MR ROBERTS: Mr Chairman, these were already given a provisional number in advance which is the missing number from the sequence, B97. I beg your pardon Mr Chairman, I am confused there is apparently another bundle still coming. So it should become B102.

MR MARITZ: Now you can page, have you got the paragraphs, you can page through this bundle now and you can look at the stadium from all angles and you must tell us now where you see the seatings and where you see the fences and the pavilions too if there were any? Mr Chairman may I make part of (30)

that/...

K15.1531

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NOFEMELA

that bundle an affidavit by detective-sergeant Ntembo?

CHAIRMAN: It will be easier if it is B103.

MR MARITZ: B103. His affidavit is to the effect that the stadium looked the same in 1981 as it looks now, when the photographs were taken. Have you looked through the photo-graphs? -- That is correct.

Now what do you say now? -- Nothing.

Is that the first time you have ever seen this stadium now, looking at the photographs? -- That is correct.

You have never seen it before? -- No, this is the first time I see the stadium.

I thought so. Now I will tell you another thing. I want you to look at ... (intervene)

CHAIRMAN: I must only, sorry, just remember my 103 please?

MR MARITZ: I want you to look at B20, that is the service record of Joseph Mamasela.

CHAIRMAN: Could you just give the witness B20 Mr Roberts please?

MR MARITZ: Can you see that that is the record of service of Joseph Mamasela? -- That is correct. (20)

Can you see that he was appointed in the police on 4 February 1982? -- That is correct.

You do not dispute that? -- I do not dispute that.

Alright, put that piece of paper down for the moment. I want to ask you, in the police college were you taught how you handle an informer, as a policeman?-- No.

Were you taught at any time? -- I was not told about an informer in police college.

Do you have the slightest idea how a policeman goes about handling his informer? -- I had no idea on that. (30)

Do/...

K15.1676

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NOFEMELA

Do you have any idea today? -- I had an idea after I have been taught how to handle an informer by captain Coetzee.

When were you taught that? -- The time he sent me to Vlakplaas.

Now what did he teach you about handling an informer? -- He taught to me that I must be careful to an informer, I must not tell the informer where I am going and so on, what am I doing and I must make sure that the information I get from an informer is correct, I must get another informer to investigate another one.

(10)

But the most important thing of all with an informer is this:

You must under every circumstance keep his identity secret. -- That is correct.

Yes. As a matter of fact the rule of secrecy of an in-former is so important that his name does not go on record. You give him a number and you keep book of payments that he gets on a number. His name is never written in the records. Is that right?-- I

do not have any knowledge of that.

You would not dispute that? -- I cannot dispute that.

So an informer works with the policeman that recruited him as an informer. They are the only two in the police that know of one another. Is that right? -- It depend.

Depend on what? -- It cannot actually, it does not always work the way you explained it to me.

But that is what you want to do, you want to protect your informer. Is that right? -- That is correct.

You never take him to court to go and testify because then you are going to lose him. Is that right? -- That is why I say it depend, you will find that you are forced to take him to court, without his evidence there is no other (30)

evidence/...

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evidence, then we are forced to take him to court.

And another thing about an informer, he is in actual fact he is a Judas. He is taking money to split on his buddies, not so, he is a Judas and he is a jittery Judas as well, is that true? -- In some cases, yes.

Yes. Now the informer learns that you are not keeping his identity secret and if you are not carrying yourself or conducting yourself in such a manner that he will not be dis-closed or come to the fore or his activities made public then he is going to drop you, he will not talk to you anymore, (10) he leaves you and you lose him. Is that right? -- That is correct.

Yes, now there is the evidence of captain Jan Coetzee, whom you know very well, because he was Dirk Coetzee's re-placement, his successor at Vlakplaas ...? -- That is correct. Jan Coetzee - I am referring to B121 - B21 - I want you to listen very carefully to what the then captain Coetzee said, he is a lieutenant-colonel at the moment, listen to this:

"Gedurende Januarie, Februarie 1980, terwyl ek te (20)

Krugersdorp veiligheidstak gestasioneer is het majoor Kruger 'n bron van hom, ene Joseph Mamasela, alias Joe, aan my voorgestel. Aangesien hierdie bron in hierdie stadium reeds by die A.N.C. ingeskakel was, was dit wenslik dat twee lede hom moes hanteer. Die rede waar-om twee lede so 'n sensitiewe bron moes hanteer is om te verhoed dat hy later verlore raak deurdat hy nie weens die een of ander rede met sy hanteerder kontak kan maak nie. 'n Tweede lid was 'n alternatiewe reëling gewees. Die bron het hom slegs op die Sowetogebied, asook (30)

Botswana/...

K15.1914

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Botswanagebied toegespits. Hy was nie aan ander lede bekend nie en is ook nie saam met enige ander lid gesien nie en of geëmplojeer nie. Nadat ek Januarie 1982 na C1 met hoofkantoor Vlakplaas verplaas is, het ek Joseph Mamasela nog steeds as 'n bron hanteer. As gevolg van verskeie redes is daar besluit om Joseph Mamasela as 'n lid van die mag te werf en Joseph Mamasela is op 4 Februarie 1982 as lid van die mag geattesteer. Joseph Mamasela was nog nooit 'n Askari gewees nie. Gedurende November 1981 en veral 19 November 1981 was Joseph (10) Mamasela nog steeds 'n bron gewees en was hy nie in Durban of omgewing gewees nie. Gedurende laasvermelde datum was hy steeds onder dekking as 'n bron geëmplojeer. Hy is eers gedurende 1982 ontbloot."

And I will read as far as that. Let me carry on:

"As lid van die mag het hy steeds onder dekking diens verrig.

Gedurende 1982 nadat hy as lid geattesteer is, het hy soms by Vlakplas aangekom. Hy het nooit daar ingewoon nie en was ook nie voor laasvermelde datum by Vlakplaas nie."

(20)

Did you hear what I have read to you? -- Yes, I heard all what you said.

Colonel Coetzee also says the following:

"Joseph Mamasela het nooit as bron en/of lid van die mag saam met Dirk Coetzee gewerk nie. Hy het ook nie as bron saam met Nofemela en of enige ander lid van C1 gewerk nie."

Now what do you say about this? -- That is all lies that he has said. There are many instances where I use to go in Botswana, in Swaziland with Joe under the surname of (30)

Nlalozi/...

K15.2017

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Nlalozi, as I can recall it correctly, Nlalozi. It can be found in the border post that he was working with me.

CHAIRMAN: Yes, but according to your own evidence you never went across border before 1982 so far.

MR MARITZ: We are now looking at 1981, November 1981. -- I stayed with Joe in Vlakplaas in 1981.

CHAIRMAN: Mr Kuny, the first operation was the Mxenge operation, I need not go over that again.

MR KUNY: With respect there is an instance.

MR MARITZ: You see Joseph Mamasela was employed as an (10) informer and he was working in Botswana. He was working between Soweto and Botswana and that was what he did in 1981.

-- In 1981 we did go to Botswana with Joseph Mamasela.

You went with him?-- That is correct.

When did you go with him? -- I went with him together with captain Coetzee, lieutenant Vermeulen and Van Dyk.

Now then you must tell us about this one, please write this down. What is this now? -- It was after we have kid-napped Mohabe from Soweto and then we went to Zeerust to a certain farm in Zeerust where we stayed and the evidence (20) that we got from, the information actually that we got from Mohabe contributed to people

that we should go to in Botswana. I do not know whether it was Lobatse or Gabarone where we attacked two women in a house.

But we have settled that long ago, the Mohabe that you are talking about took place some months after the Mxenge murder, that was in 1982, we have settled that, forget about that one. I am talking about 1981. You did not know Joseph Mamasela in 1981? -- I did know him.

How did you know him? -- I was with him in Durban, (30) during/...

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during the Mxenge killing.

But you could not have been. The man was an informer. -- He was actually more than an informer as I can put it, because he knew everyone in the farm. He was carrying weapons by then.

Well, I have got his passport here, I can show you his passport. His passport shows that until the end of 1981 he continuously worked between South Africa and Botswana. The last entry on this passport appears to be 4 December 1981, may I hand it up Mr Chairman? You can look at it if you (10) want to, but throughout 1981 he worked in Botswana. Mr Chair-man I have been requested to have an embargo placed on the photograph in the passport.

CHAIRMAN: Yes, but you have not handed it in yet, so make me a copy of what you want to.

MR MARITZ: We will make copies and place them before you.

CHAIRMAN: Now the question of the date of 4 December, was that the entry of the exit date?

MR MARITZ: Can I just look at it? It is very indistinct, I cannot make it out unfortunately, maybe you can make it (20) out there, the very last one? No-no, that is the extension of the passport, it was issued for a year.

MR KUNY: Mr Chairman, before my learned friend proceeds may I

just point out my note of what the witness said yesterday. He said: "I said that the kidnapping of Mohabe was in 1981, not 1982.

I think it was before the Mxenge kidnap."

CHAIRMAN: Yes and this morning (intervene)

MR KUNY: We (inaudible) at Vlakplaas ... (intervene)

CHAIRMAN: Yes that was his one version Mr Kuny.

MR KUNY: Yes, but he said that. (30)

CHAIRMAN: /...

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CHAIRMAN: Yes, that was his one version.

MR KUNY: Well, that is what he said.

CHAIRMAN: Yes thank you and he repeated this morning that the Mxenge was the first mission.

MR KUNY: The first killing, not the first mission.

CHAIRMAN: The first mission.

MR MARITZ: I am afraid Mr Chairman that the dates are very indistinct, but the two dates that I can make out is that he left, stopped work on 23 July and then there is a passport control - arrival of Botswana 25 July, that I can make (10) out. I have got an entry on 11 August 1981 and then there is a departure, it appears to be 11 something 1981 as well, but the significance of the passport is, is that Joseph Mamasela was indeed commuting quite often between Soweto and Botswana during 1981. He had nothing to do with Vlakplaas. -- He was based in Vlakplaas.

And if the need arises, Joseph Mamasela and colonel Coetzee will testify before this commission that he was not in Durban, he had absolutely nothing to do with the Mxenge murder or any other murder, as a matter of fact he did not even (20) know you in November 1981. -- That would be a lie.

CHAIRMAN: Was he an Askari or was he not an Askari? -- He was an informer.

MR MARITZ: Apropos the matter of Mohabe, may we refer to page

140 of the record where the question was asked: "Yes, well I say like it. I do not mean identical, but in an undercover mission like this. -- I remember it was 1982 when I and Joseph Mamasela were ordered to go and kidnap a certain Mohabe in Soweto."

CHAIRMAN: Yes, I appreciate that, but Mr Kuny's point is (30)
that/...

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that yesterday he said it was 1981. I know that was his evidence-in-chief. That was not his evidence during cross-examination.

MR MARITZ: I fail to understand where that bring us Mr Chairman, but nevertheless - it is lunchtime - it brought us to lunchtime.

THE COMMISSION ADJOURNS FOR LUNCH.

Collection Number: AK2300

HARMS COMMISSION OF INQUIRY, Death squads 1990

PUBLISHER:

Publisher:- Harms Commission of Inquiry

Location:-

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