

it would have gone soon after completion.

MR HATTINGH: Yes, indeed.

CHAIRMAN: Well, it went before completion? -- No, it..(intervenes).

Oh, it went an hour later, I'm sorry. -- Yes. It was completed..(intervenes).

And what is Stability Unit No. 5? -- That is Vereeniging.

Oh, I see, that is the name of the sender? -- Yes.

And where would it have been sent to? -- Well, it is normally sent to Internal Stability headquarters.

Is that - where is that? -- In Pretoria - I think they send⁽¹⁰⁾ one to their office in Johannesburg and one to Pretoria and.. (incomplete).

Yes. Yes, now I understand.

MR HATTINGH: I don't know whether you have dealt with it but the very last column on these reports on the first pages of these reports, it makes provision for a date and a time again, if you look at the first page of EXHIBIT 20, the date there is the 17th June 1992 and there is a time 20:30. Would that be the time that the report was completed? -- Yes, Mr Chairman.

Now, coming back to the radio recording that was made. (20) Did you receive a request in writing from the Commission, addressed to you and signed by the secretary of the Goldstone Commission? Can I give you this document and will you just tell the Committee whether you received such a document? It is addressed to: "The South Africa Police : Special Investigation Team" of which you form part, not so? -- Yes, that is correct.

And have you had sight of that document before? In paragraph 2 we call - well, let us deal with it, Mr Chairman if I may be permitted, I don't know whether I have sufficient copies for everybody but at least I have for the Committee and I will(30

make/....

make further copies available for the other members of the parties if they require it Mr Chairman. It is a letter which starts off by saying: "Dr Waddington requests that the following items be made available in regard to the Boipatong massacre", then let us deal with the second paragraph:

"..All log, radio and message logs and voice recordings..".

-- Yes.

And did Dr Waddington call for those when you discussed the matter with him? -- Yes. (10)

And can you recall how it came about that that was discussed? -- It was in the office where we were working. If Mr Chairman would remember that day we went there after the preliminary hearing. It was in that same room. We had the tape-recorder that we worked with and we had the tapes there and we had a video-machine and we had our computer and word-processor there, and Dr Waddington asked us what all those things were, so I explained it to him, which everyone was and I said to him that this is the machine that we are trying to figure out what is going on on these tapes, and I explained to him that we have a problem (20 with the tapes, we cannot get on with them.

Yes. Now, subsequently Dr Waddington had discussions with other police officers in connection with his report, is that correct? -- That is correct.

Do you know whether the tape-recording was discussed on one of those occasions? -- No, not as far as I know. I was not present during those discussions but not to my knowledge.

Yes. Do you know whether those discussions that took place between Dr Waddington and police officers, whether those discussions in turn were also tape-recorded? -- Yes, I think (30

so/....

so, Mr Chairman, but again I am speaking under correction. I was not present.

Right. I understand it was done with the consent of Dr Waddington, in fact two recordings were made and one was handed over to him. -- Yes, yes.

Do you have any knowledge of that? -- Yes, I can recall that now. That was mentioned to me at one stage, by General Grové. I recall.

Yes. You mentioned the fact that there was radio communication between the police station or the various police stations⁽¹⁰⁾ or units and the South African Defence Force. Was that the only means of communication, between them? -- I did not hear clearly?

You said that there was radio communication between the various police stations and the South African Defence Force in the area? -- And telephone.

And telephone. -- Yes.

You were asked whether there was a state of unrest declared in Boipatong. I have the relevant Government Gazette here, it is dated 19th June 1992, and that was the date on which Boipatong⁽²⁰⁾ was declared to be an unrest area? -- Yes, that is correct, that is the date.

Thank you Mr Chairman, I have no further questions.

CHAIRMAN: I think we will take the adjournment now.

MR CHASKALSON: Mr Chairman, sorry, Mr Chairman could I ask your indulgence for one moment. I see that three of these reports, are these the total reports that there are that would have any bearing on this matter? -- No, we - as far as this specific matter is concerned, these are the only reports closest to this whole incident. There are other reports but they are of no⁽³⁰⁾ significance/....

significance.

MR HATTINGH: They will be made available to my learned friend.
(intervenes).

MR CHASKALSON: I really wanted to know that we had the three that were completed, these incidence forms. -- Ja.

CHAIRMAN: We will adjourn for quarter-of-an-hour.

THE COMMISSION ADJOURNS

THE COMMISSION RESUMES

CHAIRMAN: It is scheduled for tomorrow morning after Major Davidson has completed his evidence.

CHRISTO DAVIDSON, still under oath: (10)

MR DU TOIT: Mr Chairman, I don't know whether there are any questions still to be put to Major Davidson?

CHAIRMAN: Well, some members of the Committee have questions.

MR DU TOIT: Yes. Thank you. Mr Chairman, before we start with that, we can just mark the Request by the Commission EXHIBIT 21.

CHAIRMAN: EXHIBIT 21?

MR DU TOIT: 21.

CHAIRMAN: Do you have any questions?

MR DU TOIT: I am finished, thank you Mr Chairman. (20)

CHAIRMAN: Pardon?

MR DU TOIT: I am finished.

CHAIRMAN: Yes. Mr Sithole?

MR SITHOLE: Major Davidson, I wish to draw your attention to something on EXHIBIT 20. -- Yes?

That is the second document marked No. 4. -- Yes?

Now that is the one that has to do with Boipatong, isn't it?
-- Yes, Mr Chairman.

And you will agree with me that under the "Description of Incident" it makes reference to Inkatha, isn't it? -- Yes. (30)

Now/....

Now this document, could you look up to the left-hand corner up on it, someone wrote there "Motief: Weerwraak", and that I suppose means the motive was revenge in this instance. Can you see that? -- On page..?

MR BHAGWATI: On the top of page 4, of number 4. -- On the top of page - yes, incidence 4. Oh, yes, yes.

MR BHAGWATI: On the left-hand, top. -- Yes.

MR SITHOLE: Ja. Now, do you know who wrote that and when and where it was written? -- No, Mr Chairman. No I can't remember who wrote that there or when it was written there. (10)

And do you know why document No. 3 and No. 5 don't have that kind of remark up there? -- No, I would not be able to say that, Mr Chairman.

You would not know? -- Nee, meneer die Voorsitter.

INTERPRETER: No, I don't know. -- Ek dink wat gebeur het hier so is dat op 'n stadium toe iemand dalk die vorm onder oë gehad het het hy dit daar bo-op geskryf.

What I think might have happened here is that perhaps at some stage when someone might have had this, might have been looking at this, he then wrote this on top there. (20)

MR SITHOLE: And on the right is written something like "Tappies" What is that?

MR HATTINGH: Lappies!

MR SITHOLE: Or Lappies. Lappies - that should be Labuschagne I suppose? (LAUGHTER). -- Nee, I would not know, Mr Chairman.

Is a "Lappies" known to you? -- No, Mr Chairman. I have not met anybody by the name of Labuschagne during my investigations.

Ja, okay. I wish to remind you of the time the cross-examination started by Mr Chaskalson. He asked you about (30
the/....

the ISU, that is the Internal Stability Unit, what its duties are and so forth, and if I recall well, you said that it was established after the signing of the National Peace Accord, is that not so? -- Nee, nee. Die vraag wat mnr Chaskalson my gevra het was wanneer ons ondersoekende by hoofkantoor gestig was.

INTERPRETER: No, the question that Mr Chaskalson asked me was when our investigation unit was established at head-office.

CHAIRMAN: No, I think the confusion was Mr Chaskalson was talking about the unrest and violence unit. -- Yes, the..(intervenies). (10

Not the Internal Stability Unit? -- Yes, the investigation unit.

Yes. That was set up in consequence of the Peace Accord? -- Yes, yes Mr Chairman.

MR SITHOLE: But the ISU, the Internal Stability Unit, the way you describe its functions, would you say that it is a successor of an organisation such as - or a unit such as the NIS, National Intelligence Service? -- Nee, nee, nee.

INTERPRETER: No. -- Die afdeling Binnelandse Stabiliteit, Internal Stability Unit, was die ou - as ons dit kan noem die (20 onluseenhede of reaksie eenhede, iets van die aard.

This was the old unrest unit or what was called reaction unit.

MR SITHOLE: Thank you. -- Ja. Hulle het niks met ondersoek as sulks te doen nie. Hulle doen nie die ondersoek nie.

INTERPRETER: They have nothing to do with the investigation as such, they do not investigate.

MR SITHOLE: Thank you.

MR BHAGWATI: Just a couple of questions I would like to ask Major Davidson. -- Yes, Mr Chairman. (30

Firstly/....

Firstly, what was the occasion for taking the photograph in EXHIBIT 19, the photograph of the - EXHIBIT 19 it is the photograph I think of a Casspir a T-2.-- Oh, soos ek gesê het meneer die Voorsitter, op een of ander stadium toe daardie voertuig hier aangekom het het die bestuurder 'n foto van homself by die Casspir laat neem.

INTERPRETER: Like I said it earlier, at one or other stage when this vehicle was received back here, the driver of the vehicle wanted to have a photograph of the vehicle with himself standing next to it. (10)

MR BHAGWATI: Who took the photograph? -- Ek weet nie, meneer die Voorsitter.

INTERPRETER: I do not know. -- Ja, as I have said, it was mentioned to us during the inquiry about this T-2 that somebody at the unit said to us but they think they have a photo of that specific vehicle.

MR BHAGWATI: Where was the photograph lying all this time? -- Well, I would not know. It must have been somewhere there. I would not know.

Then I want to draw attention to page 10 of your statement(20 EXHIBIT 18, paragraph 4.14.2. You said two patrol vehicles of SAP, Van der Bijlpark, proceeded along Frikkie Meyer Boulevard to attend to the alarm activated by DIA Alarms. These two patrol vans stopped and Constable Marx at the corner of Delfos and Frikkie Meyer Boulevard. Now you have said in your evidence that Constable Marx told them that he had already alerted the ISU to investigate the area and on which the two patrol vans returned. -- Yes, that is...(intervenes).

You have not said that in your statement, may we know why?
-- In which statement? (30

This/....

This statement, what you have said in your evidence today, you were not referred to that in this evidence that there was a talk between Constable Marx and the persons who were occupying the two patrol vehicles. -- Ja, dit is getuienis wat die mense self voor die komitee sal kan kom gee.

INTERPRETER: This is evidence that these people can personally come and give to the Commission. -- Hierdie is 'n opsomming van al die gebeure.

This is a summary of all these incidents.

MR BHAGWATI: And you did not think it necessary to state why (10 there was a talk and consequent upon the talk, the two patrol vehicles returned without going to the filling-station.

CHAIRMAN: To the filling-station? -- Yes. No, toe die twee patrolliewaens by Marx gekom het.

INTERPRETER: When these two patrol vans came to Marx. -- Het hy vir hulle gesê dat hy was reeds by die vulstasie gewees.

He told them that he had already been to the filling-station. -- En dat daar probleme in die Boipatong-gebied is.

And also that there were problems in the area of (20 Boipatong. -- En ek dink op daardie stadium het hy ook alreeds aangevra dat die ABS na die gebied moet kom.

And I think that he had at the time or at that stage, already asked for the ISU to be - to come to the area.

MR BHAGWATI: You are aware that the attendant at the police station gave evidence saying that these yellow patrol vehicles approached the filling station, came to the filling station. -- Yes, I have heard that.

Then after hearing that, did you not consider it necessary to mention that in your statement, that they did not come but (30 they/....

they were told by Constable Marx and consequent upon that they returned, without going to the filling-station?

MR HATTINGH: Mr Chairman, with great respect, this is supposed to be just an over-view of the events, just to give an over-view of the police's version. This is not what - was never intended to be a complete version of what every witness would come and tell this Committee.

MR BHAGWATI: I would like to know one - at page 18 of your statement. When the attendant at the filling station was being cross-examined it was put to him by your Counsel, by the (10 Counsel for the police that he voluntarily got into the van in order to go to the Baldwin Steel. -- Yes, that is correct.

Now here, look at page 20 of your statement, at 4.25 you have said, in the middle "...and on instructions of his superiors took security guards as well as a petrol attendant, Mr Thowane to Baldwins, situated further. -- Ja.

Which statement would be correct? -- I think - ek moet dit so verduidelik. Kruger is verantwoordelik vir Kroon en Lengane.

INTERPRETER: Kruger is responsible for..Kroon? -- Kroon, die security guard Kroon en Lengane. (20

For the security guard Kroon and Lengane. -- So hy het opdrag gehad om hierdie twee mense 'n bietjie verder - om hulle weg te vat.

He had been given instructions to take these two people further away. -- Sy opdrag was nie om die petrol "attendant" ook weg te vat nie.

He had not been instructed to take even the petrol attendant as well. -- Hierdie petrol attendant, Thowane, het volgens wat ek verneem self in die voertuig ingeklim toe Kruger weggeroep het.

According to the information given to me this petrol (30 attendant/....

attendant Thowane voluntarily got into the vehicle when Kruger was to drive away.

MR BHAGWATI: I haven't any questions.

CHAIRMAN: Any questions? Thank you, Major. One aspect, have the tapes arrived? -- No, not yet. We are still waiting. The chap had to go to Pretoria to my office.

Yes. No, I understand. Anyway they can be brought to our attention when they do arrive. -- Yes, perhaps there is something if I may mention it, Mr Chairman. I was asked whether I was sure of the place where that one policeman, Warrant Officer(10 Coetzee was murdered just prior to this instance. I said yes, I saw the place but I was not exactly sure of the description I can point it out to you on the map if you would like to know.

I don't think it is - I have forgotten who asked.

MR HATTINGH: It was Mr du Toit who asked, Mr Chairman, and the impression that I got was that there was some - I may be doing him - I may be wrong and he would correct me if I am wrong but the impression that I got was that because of the fact that a policeman had been killed the police would become involved in an attack on the people in turn. I don't know if that was (20 intended to be the..(intervenes).

MR DU TOIT: Mr Chairman, Mr Hattingh is reading words there in - that is not a suggestion, I just wanted specifically because there was another incidence about certain vehicles had moved, that I am busy investigating, Mr Chairman. Nothing turns on that at the moment.

MR HATTINGH: Thank you, Mr Chairman. May I arising out of questions that were put by Justice Bhagwati ask one question?

Major Davidson, you were asked about that photograph. Now was there only one photograph taken of that T2-Casspir? You had/....

had others available as well, I don't know what happened to them now. -- No, I had four copies of that one photo.

I think you are mistaken. If we can just get hold of the other copies. -- Yes, I had four copies here.

CHAIRMAN: Of the same photograph? -- Yes, of the same photograph.

Yes, that was my impression because I was shown - the copies were shown around and the one was handed up to us. -- Yes, but I don't know where..(intervenes).

MR DU TOIT: I have got one copy.

MR HATTINGH: Mr Chairman, I saw photographs where one person (10 was standing next to the Casspir and then other photographs where two people were standing next to the Casspir. It appeared to me that various people had their photographs taken standing next to the Casspir and - we will look for them and find them, Mr Chairman.

CHAIRMAN: Yes, I don't think you need to do that.

MR HATTINGH: Thank you, thank you Mr Chairman then I will leave it at that.

CHAIRMAN: Yes. Well, thank you, Major Davidson, you can stand down. Then I would ask everybody other than the legal teams (20 now to leave. This concludes today's proceedings, we will continue at 09:00 tomorrow morning.

NO FURTHER QUESTIONS

THE COMMISSION ADJOURNS.

CHRISTO DAVIDSONADDENDUM A

states as follows:

1. I am a major in the South African Police attached to the Unrest and Violence Crime Investigation Unit stationed at South African Police Headquarters, Pretoria. I have been involved in the investigation of the Boipatong massacre since the 18th of June 1992. My particular involvement in this investigation is to investigate the allegations that members of the security forces were involved in the massacre.

2. An overview on the events of the 17th of June 1992

Since my statement submitted to the Commission, on the 2nd of July 1992, investigations to date have revealed that 43 people died during the massacre. It is not known exactly what number of people was seriously injured during the massacre. In respect of damage caused to shacks and houses, I am uncertain as to the exact extent thereof, but Sergeant Morrison, attached to the Criminal Record Centre of the

South African Police, Vereeniging, has been tasked to compare the details of people injured, killed and the nature and extent of damage caused to shacks and houses with the details and particulars attached to the memorandum, submitted by the ANC and the Vaal Council of Churches, Exhibit 1.

3. I have attempted to set out a chronological sequence of the events that took place on the night in question, with specific reference to:
 - 3.1 the members of the South African Police in and around the area and the relevant times thereof;
 - 3.2 the vehicles used by the South African Police on the night in question, with specific reference to armoured vehicles namely Casspirs and Nyalas;
 - 3.3 the actions of the South African Police during the night in question;

3.4 actions by the South African Defence Force;

3.5 actions taken by security personnel attached to Vereeniging Crime Prevention;

3.6 actions taken by Iscor's security personnel;

3.7 security personnel attached to Cape Gate (Cape Gate Security);

3.8 security personnel of Metal Box (Fidelity Guards).

4. As time is of vital importance I have attempted to set out, with specific reference to times where incidents took place, the party or concern involved and what actions by the security forces and/or security personnel attached to the various concerns were taken in response thereto. The times stated are not necessarily exact.

4.1 18:15 - 18:20

Two patrol vehicles of the ISU deployed in the area reported that everything was quiet in the Sebokeng area, more specifically Zones 12 and 14. Police patrols attached to the ISU stationed at Powerville, Vereeniging made these reports to their control room situated at Powerville Vereeniging. The radio call sign of the ISU is "V.O".

4.2 18:30 and 18:40

Roads were obstructed and stone-throwing took place at Sebokeng (near the premises of Vaal Transport Co. and at Cape Gate (Noble Boulevard). The same patrols of the ISU Unit attended to these incidents.

4.3 18:45

A patrol of the ISU Unit reported to the control room that everything was quiet at Bophelong.

4.4 18:55

Plus minus 10 youths gathered at Cape Gate, barricading Noble Boulevard. An ISU patrol vehicle attended to this incident, whereupon the youths ran away. No police action was taken.

4.5 19:10

A petrol bomb attack occurred at approximately the corners of Hlubi and Bafokeng Streets in Boipatong. A patrol vehicle of the ISU came under attack and the SAP fired eight rounds of birdshot to disperse the approximately 50 attackers.

4.6 19:35

The ISU attended to a house which was set alight in Sebokeng, Zone 10.

4.7 19:45

Approximately 100 - 200 persons gathered between Zones 10 and 11, Sebokeng. The ISU attended to this report.

4.8 21:25

A patrol vehicle of the ISU travelled in a southerly direction along Frikkie Meyer Boulevard, turned eastwards and travelled along the southern side of Boipatong and found everything to be quiet in the area and proceeded to the premises of the ISU at Powerville, Vereeniging, for shift change-over.

4.9 21:25 - 21:50

Messrs de Jager and Wilken, both employees of Cape Gate security,

travelling in separate vehicles in a northerly direction along Frikkie Meyer Boulevard, witnessed approximately 200 - 300 people crossing the Frikkie Meyer Boulevard from west to east, south of the nursery in the direction of Boipatong. Both gentlemen reported this to the security personnel of Cape Gate.

4.10 21:55

An employee of Cape Gate security, Mr Viljoen, reported the incident witnessed by Messrs de Jager and Wilken to the South African Police station, Vanderbijlpark, who advised ISU.

4.11 22:00

The South African Police, Vanderbijlpark, telephonically received a number of reports by residents of Boipatong of assaults, damage to property, alleged murder and

shooting incidents. These incidents were reported by the SAP, Vanderbijlpark to the ISU to attend thereto.

4.12 22:00 - 22-45

4.12.1 Constable G D Marx attached to the vehicle theft unit, Vereeniging, left Vereeniging after 22:00 for Vanderbijlpark when he monitored a radio report whilst travelling in Vanderbijlpark. He proceeded along Frikkie Meyer Boulevard in a northerly direction to Unie Park Motors. He was driving a white Volkskwagen Fox sedan motor vehicle.

4.12.2 On his way there he was stopped by an unknown person reporting that a number of people crossed the Frikkie Meyer Boulevard, after which

he proceeded to Unie Park Motors.

4.12.3 He spoke to the petrol attendant, who informed him that a number of people were in the veld on the western side of Boipatong. Marx did not see these persons, apparently due to poor visibility.

4.12.4 He then drove in a southerly direction towards Vanderbijlpark along Frikkie Meyer Boulevard, and saw people running from Boipatong in the direction of the Kwa-Madala hostel.

4.12.5 At the corners of Frikkie Meyer and Delfos Boulevard (south of Boipatong) he blocked Frikkie Meyer Boulevard for normal traffic

- 10 -

flow and reported to the radio control room at Vereeniging to send the ISU to investigate the area.

4.13 22:04

4.13.1 As a result of the petrol attendant who activated the alarm system at Unie Park Motors the SAP, Vanderbijlpark received such report from DAI Alarms.

4.13.2 Two patrol vehicles of SAP, Vanderbijlpark, proceeded along Frikkie Meyer Boulevard to attend to the alarm activated by DAI Alarms. These two patrol vans stopped at Constable Marx at the corner of Delfos and Frikkie Meyer Boulevard.

4.14 22:10

4.14.1 The ISU unit received a report from the Boipatong police station via the Sebokeng control room that Inkatha members were attacking residents in Boipatong.

4.14.2 Sergeant Schlebusch of ISU left the ISU unit at Vereeniging to attend to the incident at Boipatong, some 12 km from the ISU base.

4.14.3 Mr J. Mgcina of 696 Bafokeng Street, Boipatong reported to Cape Gate and the SADF at Cape Gate that his house was being attacked and that he was injured by the attackers.

*W. B.
Victim*

4.15 22:20

On his way to Boipatong, Sergeant Schlebusch received a report from his control that a shooting incident

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