

THE COMMISSION RESUMES ON 19 JUNIE 1990.

CHAIRMAN: Mr Motimele will you just announce your appearance.

MR MOTIMELE: Mr Chairman I appear on behalf of the ANC.

CHAIRMAN: Thank you. The present intention was to lead the evidence of General Stadler this morning. You have an application in that regard, will you please present it.

MR MOTIMELE: We would like the affidavits of Mr Stadler to stand down on the following reasons: We have just received the statement last night, it is quite a voluminous document. We would like (10) the opportunity to go through the documents even before Mr Stadler leads his evidence-in-chief and also prepare our own statement which we would like to submit to the Commission.

CHAIRMAN: Now what is the minimum time that you need to say, to prepare a memorandum of denials?

MR MOTIMELE: I have not had the opportunity to study the documents, but having a look at the documents, I think a month will suffice.

CHAIRMAN: Is that the minimum? That is to prepare your case, I appreciate it, but what I am interested in is how long would (20) it take you to prepare a provisional list of say admissions and denials?

MR MOTIMELE: Well at least it will be three weeks.

CHAIRMAN: Yes alright, Mr Visser.

MR VISSER: Mr Chairman, may it please you, we oppose the application for a postponement of the evidence-in-chief of General Stadler. We would suggest, with respect, that the shortness of the notice and the opportunity which my learned friend would ordinarily be entitled to all have relevance to cross-examination.

Now Mr Chairman, certainly, in the (30)
circumstances/...

circumstances, if my learned friend's application concerned the standing down of the evidence for cross-examination we would have no objection, and we place that on record. Having done so, we submit that my learned friend has not put before you any reason why the evidence-in-chief of General Stadler ought to stand down, because my learned friend will not be expected or called upon to make denials or do anything for that matter until his turn for cross-examination arise. We submit that this Commission has followed certain methods of evidence being led, the evidence standing down for interested parties to have an opportunity of (10) looking at the evidence on record of deciding on whether they want to cross-examine such a witness and to prepare for such cross-examination. It has worked well so far although it does have the disadvantage of dismembering, as it were, the evidence over a period of time. We submit, however, that the witness is now ready to give evidence before, General Stadler, before this Commission. The inconvenience which will accompany a postponement, we do not want to address you on. It will involve some inconvenience, but we will not object to a postponement of his cross-examination. Mr Chairman, the advantage if General (20) Stadler therefore gives evidence today is that the record will be available to my learned friend and Mr Chairman, we submit, in the light of the fact that my learned friend has not advanced any reason as to why he should go through the record before the evidence-in-chief we submit that the evidence-in-chief be allowed to proceed today and thereafter that the matter be postponed to a date which is convenient to you as well as to my learned friend for cross-examination.

MR McNALLY: Mr Chairman, the fact of the matter is that

whether/.. (30)

whether or not we start today, we will not be able to complete this leg of the matter today. The best we can do is to put General Stadler's evidence on record and that will really do little more than repeat verbally what we already have in writing. It seems to me that this is a sensitive matter and that we should be alive to the sensitivities of my learned friend, Mr Motimele's clients and that it might be better on balance to deal with the full matter at one sitting in August. Perhaps after the argument has been heard in the Nofemela and - the CCB first and then the Nofemela matter, perhaps on 13 August.

(10)

MR MOTIMELE: Just one thing, the inconvenience that General Stadler would suffer, I regret that, but there is real harm or potential harm which my client would suffer. I think my client having got to the sensitivity of the matter should be afforded a short as possible period to rebut whatever evidence General Stadler would give and that is the only thing I would like to add.

MNR. BURGER: Mag ons ook gehoor word?

VOORSITTER: Ja, ekskuus.

MNR. BURGER: Ek wil my geleerde vriend, mnr. Visser se betoog, ten volle ondersteun. Die sensitiwiteit wat daar skielik aan hierdie aangeleentheid gekoppel word kan ek nie verstaan nie. (20)
Vir die meeste van die dade van terreur van die ANC soos ek vinnig na my geleerde vriende se verklaring gekyk het word daar erkennings by aangeheg. Ek weet nie of die ANC nou weer sy dade van geweld in die land wil ontken nie. Ek dink egter ook dat dit nodig is en noodsaaklik is en die publiek geregtig is om so gou as moontlik, nadat die veiligheidsmagte se derms hier uitgetrek is, hulle ook in kennis

gestel/...

(30)

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BETOOG

gestel word van die optrede van die ANC. Ek dink nie dit is minder

as reg nie. Ek wil ook vir u vra dat waar die Suid-Afrikaanse Weermag 'n verklaring voorberei het van brigadier Smith, dat daardie getuienis aangebied word voor die resestyd-perk. Ek verstaan dat daar net twee handgranaataanvalle is wat deur die ANC ontken word. Dit sal seker nie moeilik wees om in ses weke voor te berei om getuienis voor u te bring om daardie gevalle te ontken nie, maar ons gevoel is ook dat ons baie sterk wil by u aandring dat brigadier Smith se getuienis gelei word voordat die resestydperk aanbreek. Sy verklaring beslaan in totaal 30 bladsye met baie kort aanhangsels en dit is werklik nie nodig om ses weke te hê om daarvoor voor te berei nie. Ons moes in die verlede voor hierdie Kommissie bereid wees om op 'n dag kennisgewing te kom getuig, om op 'n dag of 'n halwe dag kennisgewing te kan kruisverhoor en ek dink dit is niks minder as reg, dat hoe sensitief dit ookal vir die ANC mag wees, hulle ook daartoe bereid en in staat moet wees.

CHAIRMAN: I will postpone provisionally on the hearing of this evidence to Friday and I request that Mr Ntimbela provide me by Friday morning with a list of admissions, denials or question marks in respect of matters which cannot be admitted or denied or investigated by then and I will reconsider the question whether General Stadler's and whether Brigadier Smith's evidence should be led on Friday or whether I shall postpone it until the next quarter. So all this is provisional and the evidence will not be heard today.

MR McNALLY: Mr Chairman the next witness is the witness who has been referred to so far as September. He will be available at 11h30. I think there is going to be an application for his/...

reason?

MR KUNY: Identity or photograph?

CHAIRMAN: No his identity also.

MR McNALLY: Mr Chairman, the witness September is available. I beg leave to hand in an affidavit by him.

CHAIRMAN: That will be B176.

MR McNALLY: May we offer a word of apology, we drew the affidavit this morning and it is just September's evidence in regard to his release from prison and his intention is contained in a transcript of evidence that he gave viva voce in a criminal trial, it is annexed (10) as S1, it is in Afrikaans, he made use of an interpreter at the trial and you will see from the body of the affidavit that he says he understands Afrikaans sufficiently, he having to confirm the correctness thereof. We offer the apology that we have not rewritten it in English, but I have it in spite. As far as the application is concerned, to protect the witness's identity you will see that September is assuming and have become known in this Commission as September only. He further points out that he was a member of Umkhonto we Sizwe for a number of years and that Vlakplaas was known to Umkhonto and in fact there were instructions (20) to kill those who have deflected and were working on Vlakplaas as they were regarded as traitors.

MR KUNY: Mr Chairman, I had not seen this document and I do not know the basis on which ... (intervenes)

CHAIRMAN: Well the fact is that Daniels, J in the Ebrahim matter made such an order.

MR KUNY: Yes, I know that his identity has in the past been protected.

CHAIRMAN: /...

CHAIRMAN: And unless I have facts to show that he was for instance

wrong in that decision, I think I should ... (inter-venes)

MR KUNY: Well, there are two issues perhaps Mr Chairman, the one is whether he will be giving evidence in this Commission under his own name, but with a directive from you that the press should not be entitled to publish any details as to his true identity or whether he is going to come here and give evidence simply under the pseudonym September (intervenes)

CHAIRMAN: I will know what his name is.

MR KUNY: We will not?

CHAIRMAN: Yes.

MR KUNY: And this is basically the objection. Well we have no objection if his identity not be revealed by the press and to the outside world, but we feel at least we having to cross-examine him, ought to know what his true identity is. (10)

CHAIRMAN: And what happened in the Ebrahim-trial?

MR KUNY: Well I have not seen the evidence in the Ebrahim-trial.

I have seen his evidence that has been given in another trial where he gave evidence under this pseudonym X1 and I do not know - for example I may not even know whether that evidence is the same - as given there is by the same person as that gave evidence here. (20)

CHAIRMAN: Well, I have been informed by my colleague, Daniels, that witness X1 in the Ebrahim-trial is September.

MR KUNY: Yes, well of course we have no way of testing this but we must accept it that it would be so. For the sake of ... (intervenes)

CHAIRMAN: Because he gave his evidence about the occasion of which/...

K103.0578

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SEPTEMBER
(30)

which Mr Nofemela testified about in that trial, so.

MR KUNY: Well Mr Chairman for the sake of getting on with the

matter, we do not want to cause any delays, we think that he should be called now to give evidence and there ought to be some directive the, but basically it is unfortunate that one has to face this situation.

CHAIRMAN: No, I appreciate that, it is simply in the course, as far as the person called September is concerned, I direct that his true identity may not be made known, no photographs may be taken of him.

MR McNALLY: We have heard about bad ones, sketches as well.

CHAIRMAN: Oh, and sketches, obviously.

(10)

MR McNALLY: Mr Chairman could we please take the short adjournment. We were actually not expecting September to be ready before 11h15. Maybe you would like to make an order relating to his identity.

CHAIRMAN: Yes, I have made it.

MR McNALLY: And then could we deal with the merits after the short adjournment. I need to get some notes in my office.

THE COMMISSION ADJOURNS UNTIL 11H15. THE COMMISSION RESUMES AT 11H15.

MR SEPTEMBER, d.s.s.

(20)

EXAMINATION BY MR McNALLY: Is it correct that you became a member of the ANC in 1977? -- Correct.

And for how long did you remain a member of that body? -- From 1977 up till 1986 when I came back.

That was in August was it? -- That was in August 1986.

In the second week of August 1986 were you in Swaziland? -- Yes, if my memory does not fail me. It is correct, the second week, it is correct.

What/...

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(30)
SEPTEMBER

What were you doing in Swaziland? -- I was a member of MK

for that matter commander in the Transvaal Machinery and at the same time a member of the African National Congress.

And what was your purpose of being in Swaziland? -- As a MK commander to infiltrate units with the purpose of organising inside South Africa with the ultimate aim of taking over South Africa by armed means.

Were you legally in Swaziland? -- I was not legal.

For that reason were you arrested by the Swazi Police? -- I was arrested by the Swazi Police, yes.

Where did that happen? -- At Manzini.

And after your arrest did they take you to the Mankayana Police Station in Swaziland? -- That is correct. (10)

And from there what happened to you? -- And then from there the following morning they took me back to Manzini. I was kept in Manzini and then in the late, in the evenings, later afternoons I was taken back to Mankayana. So I was kept up till late in the night when Paul Dikilele, Bernard, Tolman, together with some two or three white guys who were most of the time in the company of Rashid in Maputo, came to release me at Mankayana.

Now all that people that you have named were they co-members of the ANC? -- That is correct, they were members of the ANC. (20)

So your motion is that you were released by your comrades in the ANC? -- That is sure, I was released by my comrades.

Now up to that stage, from the time of your arrest by the Swazi Police until you were released by your co-ANC-members, had anybody assaulted you? -- Yes, I was seriously assaulted by the Swazi Police, by the time they surrounded me, arrested

me/...

sustained a mark here as a result of that.

Up to your arrest what did you and your ANC comrades decide to be done about you? -- We then decided that I should infiltrate South Africa with the purpose that the following morning Thomas Tolman and Bernard will then come and join me as a unit based in the Eastern Transvaal, that is right.

And did you on your own then proceed into South Africa across the Swazi border? -- That is right, they took me next to the borders at Houtkop and from there I proceeded on my own towards Piet Retief.

And what went on in your mind from that point ...? -- Well,
(10)
as I was moving along the road a very strong mind came into me that by hiding and diving all the time from the South African security does not help me and in any case, even initially, when I joined the ANC my decision was that I should go for schooling.

The best idea would be that I should go to the security police, hand myself over and from there I will then decide what then for my future. My key aim was that I should proceed with my studies.

Did you indeed hand yourself over and if so where? -- I did hand myself over and that was at Piet Retief.

What reception did you find there? -- I met Warrant-Officer
(20)
Pienaar and then I told him who I was and from there the interrogation started.

Did you suffer any assault at the hands of those to whom you surrendered yourself? -- No.

Pienaar and the other members of the South African Police?
-- Not at all.

What/...

K103.0828

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SEPTEMBER

What happened further? -- And then further he then told me
(30)
that he was going to take me under section 29 and then from there later on, I cannot remember very well, but then, if my memory does

not fail me, the following morning, I think, Brigadier Visser came and then he write a document and he made me to sign that document that they was detaining me under section 29.

For how long were you so detained? -- For three months. That was from August until November 1986.

What happened to you in November? -- Warrant-Officer Botha came to prison, he said that well we are satisfied with your story, so today you are released, go home and decide whatever you feel good for you pertaining your future.

Did you go to your home? -- I did not immediately go to my home, but ... (intervenes) (10)

What did you decide to do? -- I stayed with a friend of mine at Piet Retief and then up till - I then decided that I should join the police, but then not really to join, but as an informer and then in the beginning of 1987 I then joined the police.

And what is you rank today? -- I am a constable of the South African Police.

And you are stationed at the police headquarters? -- I beg yours?

Are you stationed at the police headquarters? -- Well, I am afraid I cannot divulge that for now. (20)

So were that the end of your association with the ANC then when you left Swaziland? -- That is for sure, that was my end.

And it has been claimed in this Commission that you were/...

K103.0895

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SEPTEMBER

were assaulted by the South African Police. Do you say that that is not correct? -- I am working at the South African Police how can they assault me, they did not.

CROSS-EXAMINATION BY MR KUNY: It is not alleged that at the time you were working with the South African Police you were assaulted, (30)

it has been alleged that you were assaulted before you began working with the police? -- Yes, by the Swazi Police, that is for sure.

No-no, by the South African Police before you started working with them? -- That is not for my information, I was not aware of that.

Well, you were not aware of that or it did not happen? -- It did never happen.

Are you aware of the fact that it has been alleged that you were assaulted by the South African Police after having been brought back into South Africa? -- That never happened.

Anyway let us go back to the beginning. How old are you? (10)
-- I am 37.

And you left the Republic early in 1977?-- That is correct.

With what object? -- I beg yours?

With what object? -- What do you mean?

Why did you leave the Republic? -- Oh, it was during the aftermath of the June uprisings in 1976 and then I decided that I should leave South African destined for studies abroad.

What did you want to study? -- To study academic field.

What? -- BB-admin.

Where were you going to study? -- I left for Swaziland, I (20)
was to attend my schooling there.

And did you go to school there? -- Well, immediately as I started/...

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SEPTEMBER

started the ANC chief representative recruited me.

And you went along with him willingly? -- Well let I think so, because he promised a scholarship by them, sure.

So you went willingly early in 1977 and where did you go to? (30)
-- To Mozambique.

For how long?-- I cannot remember very well, it was around

April I think of 1977.

And for how long were you in Mozambique?-- I do not know, I cannot remember.

Was it months or years or weeks? -- No, it was never years.

Well how long was it? -- I really cannot remember, but what I know is that I was in Angola in June 1977.

Right, so you were there for a few months and then for how long were you in Angola? -- For about two weeks I think and from there I left for GDR, East Germany.

Yes and how long were you there? -- For six months.

(10)

Undergoing military training? -- That is of course.

Now that would take you about to the end of 1977? -- Yes.

Where did you go after that? -- I came back to Africa and then by the beginning of 1980, 1978 I was all the time in Mozambique.

So you were set on a military path from about the middle of 1977 when you began military training in the GDR? -- Sure.

And you rose to a very high position in the ranks of Umkhonto we Sizwe, didn't you? -- That is right. Well if, yes.

You were the commander of the Transvaal machinery, weren't you? -- That is right.

(20)

And what other position did you occupy? -- Well I was the head of the Transvaal Military Intelligence.

Yes/...

K103.1026

- 2898 -

SEPTEMBER

Yes. -- That is right.

That is a very responsible and senior position in the ANC? -- Well I do not know.

Well you must have an idea, don't be modest about it. -- If it is a statement I would then say it is that.

(30)

You would agree with me, would you? -- No really, because there were those who were senior.

Yes, certainly you were not at the top of the military run, but you were very high up? -- I do not know. I would not say I was higher or lower. I can only say that I was responsible for units who were infiltrating.

And you were highly regarded by Umkhonto we Sizwe and the ANC. -- I do not know that.

Had you been on missions for them before? -- That is right.

Missions into the Republic? -- That is right.

Operating from Mozambique or Swaziland? -- Enter in South Africa, infiltrate in South Africa.

Yes, over a period of some years? -- Not really. For it was the very first day I got into an encirclement and then from there the mission became a failure. Two were arrested, I managed to go back with another colleague.

Back to Mozambique? -- Back, yes.

And then, did you continue thereafter to undertake missions to the Republic? -- No, that was my last mission.

When was that? -- 1978.

And between 1978 and 1986 where were you? -- I was in between Swaziland, Mozambique, Soviet Union, Zambia, around those places.

Were you involved in military type work or administrative work/...

K103.1088

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SEPTEMBER

work or what? -- Military type work.

Military type work.-- That is right.

Being trained or training others? -- No, I was trained, I was not training others.

So all that time you were undergoing more and more military training? -- No, not at all, I was a commander.

Oh, so you were helping to train others? -- Not really, I was not an instructor.

(30)

You were merely commanding a unit or units? -- That is right.

And during this period I take it you did not pursue your studies at all? -- That is of course.

So from the time that you left in 1977 with the intention of pursuing your studies until you arrest in 1986 you never actually embarked yourself in your academic studies? -- That is true.

Why not? -- I did not, I was too involved in the military field in the ANC.

I see. Now you were married in Mozambique? -- You mean when?

You got married in Mozambique, didn't you? -- That is right.

(10)

When was that? -- In 1983.

You had a child? -- That is right, I have got two daughters.

Well at the time did you have a child in Mozambique? -- When at the time?

Well, I am asking you did you have a child which was born at the time you were in Mozambique? -- That is right.

Only one or two? -- I have got two now.

But/...

K103.1144

- 2900 -

(20)

SEPTEMBER

But the first one was born in Mozambique? -- That is right.

What I am trying to get at is when, in 1986 you were arrested by the Swazi Police, you had a wife and a child who were in Mozambique? -- That is right.

And living there? -- That is right.

Was your wife Mozambiqan or South African? -- Mozambiqan.

Did you have a house there? -- I did have a flat, yes.

And this was all under the auspices of the ANC? -- Yes.

(30)

It was your base, it was your home, it was where you lived your life? -- Well you can call it anything, a base or a residence,

that is where I stayed.

And you use to come into Swaziland from time to time under cover I suppose? -- That is for sure.

Didn't you have a passport? -- I did have a passport.

Didn't that entitle you to come into Swaziland? -- No, it has already expired.

But at the time, at that time? -- When?

Between 1978 and 1986? -- Yes well, I used to use a passport but under cover.

Well under cover in the sense .. ? -- Not reflecting ... (10)
(intervenes)

But you would not say you were from the ANC but you used to go in and out of Swaziland lawfully. -- Yes, but then to say in and out is relative. I would not say I was in and out in that sense, but then I would say that I used to infiltrate Swaziland through a passport.

Why do you say infiltrated, you went in with a passport, you went in legitimately, why were you infiltrating? -- But
it/...

K103.1198 - 2901 - (20)
SEPTEMBER

it was not reflecting my true identity that is why I said I used to infiltrate.

So you had a false passport is that it? -- That is right.

I see. At that time did you bear the name September or is that a more recently acquired name? -- Well it is a name that was generally used in the ANC.

And you have retained that ever since? -- You mean ever since till when?

Ever since you acquired it in the ANC until now because that is the only name that we know you by? -- That is of course, sure. (30)

And was 1986 the first and only time you were arrested in

Swaziland? -- Not really.

Had you been arrested on other occasions then? -- Yes, I think once, once I think so.

No, you must remember that? -- You cannot remember all the things now, it is quite some time back.

You mean to say you cannot remember how many times you were arrested in Swaziland? -- I think it was once or twice. I think so, once or twice.

How long were you held when you were arrested? -- For a couple of days and then deported back into Mozambique.

Were you ever charged with illegal entry? -- That is right. (10)

Were you? -- Yes.

But if you came in with a passport, then why were you an illegal entrant? -- You were?

Into Swaziland? -- Yes.

Why was that an illegal entry? -- I do not understand the question.

I/...

K103.1253

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SEPTEMBER

(20)

I said were you charged and you said with illegal entry. -- That is right.

Now what was illegal about your entry into Swaziland that would have caused you to be charged there? -- I crossed the fence into Swaziland.

From Mozambique? -- From Mozambique.

Even though you had a passport? -- No, I did not have one then, but by the time the Swazi's arrested me I had one, but then the days have already expired, but I was in possession of one.

So each time you were arrested in Swaziland you were then deported to Mozambique and there was no problem about that? -- (30)
You mean me or as a general thing?

You, I am only asking about you? -- Yes, I was deported in Swaziland.

And you were able to go back to Mozambique without any problem?-- Without any problem, it is where I do not get you clear?

Well in Mozambique, there was no difficulty about your returning to Mozambique where your wife and child were and you had a home and you had your life? -- Yes, that is right. Normally, let me say before the Nkomati Accord, it was not that much of a problem.

And after the Nkomati Accord? -- It became a problem.

Why? -- Because the Mozambigan government gave them a number, a number of the ANC people expected to stay in Mocam-bique that they should never be more than ten. (10)

Yes and were you not one of those? -- I was not, those were members who were mending administrative works in Mocam-bique.

And/...

K103.1310

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SEPTEMBER

And what happened to the rest over and above ten? -- They were deported to other countries.

Were you deported to another country? -- That is right. (20)

Where? -- In Zambia.

And how did you get back to Mozambique then? -- I did not go back to Mozambique, I flew straight to Swaziland.

From Zambia? -- From Zambia, yes.

So was there any reason why you could not have returned to Zambia? -- Yes.

What? -- In that they were not wanted in Mozambique.

No-no, Zambia, why couldn't you return to Zambia? -- Why?

Couldn't you have returned to Zambia after your release in Swaziland? -- By who? (30)

I am asking you the question why could you not have returned

...(intervenes)

CHAIRMAN: But when was the witness released to enable him to go back to Mozambique?

MR KUNY: In August 1986.

CHAIRMAN: But that was not a lawful release, was that?

MR KUNY: He was released.

CHAIRMAN: No, but ... (intervenes)

MR KUNY: Well perhaps the witness can answer that question.

CHAIRMAN: No but I think the witness is clearly confused.

MR KUNY: Well perhaps I must put my question differently, I will
(10)
come to that. You were in Swaziland in August 1986 when you were
arrested. I take it you were there on ANC business. -- That is
right.

Pursuing your occupation as a military commander? -- Well
maybe if it suits you, but then you can as well say that pur-suing
the MK objectives.

Well/...

K103.1364

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SEPTEMBER

Well, whatever you were doing what was your job at the time,
(20)
namely a member of MK and the military commander? -- That is right.

You were not a student and you were not at that point in time
involved in any studies, isn't that so? -- Yes.

And suddenly you were arrested and put into a jail at Manzini,
or a police cell I think it was, was it? -- Yes.

And how long did you remain in custody before you were
unlawfully taken out of custody? -- I think for two days, on the
second day I was released.

Now the prison cell from which you were released were that
in Mankanyana, is that the name of the place? -- Mankayana.

Mankayana, is that near to Manzini or is it nearer to the
(30)
border of South Africa? -- You mean in what sense?

In Swaziland, where is it in Swaziland in relation to the South African border and Manzini? -- Mankayana it is nearer to the South African border than Manzini.

Yes, can you just describe where it is in relation to the South African border? -- It is very difficult. I will have to get a map in order to show it.

It is nearer to the - is it near to the Oshoek border post? -- Not.

Further south? -- I think it is nearer the Houtkop and Nersten border posts.

How far from that border post would it be? -- Well I do not know. I never used to estimate that in terms of kilo-metres. (10)

Were you arrested on your own or with other members of MK? -- Yes, I was with another colleague.

And/..

K103.1435

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SEPTEMBER

And were you both put into the cell at Manzini? -- Not the same cell. He was a lecturer ... (intervenes)

Well at the same police station? -- He was a lecturer. I never, I did not know what happened to him. (20)

You never saw him again? -- I never saw him again.

So you were put in a cell at Manzini and then you were taken to Mankayana and then you were taken back to Manzini and then back to Mankayana? -- That is right.

What was the reason for this move? -- Well I do not know what they had planned for. Those were the Swazi's not me. It was not my decision or my intention to do that. They were doing so.

Were you interrogated by the Swazi's? -- Well yes, they did.

About what?-- Not an intensive interrogation, but they did ask me why I was there and why did I have that passport and so forth. (30)

So they were actually antagonistic to you? -- Very, that is why I only said right now that I was beaten by the Swazi police.

And even while you were in the cell presumably they were antagonistic to you? -- I really do not know, but from what they did to me, I think they were.

So they were not very willing to let you out, were they? -- I think so, although I would not say, I would reflect exactly what their position was towards me, but then I would think from the assault that I sustained, I think they were.

Were they guarding you well at the police station? -- You mean in what sense? (10)

In the sense that they had armed guards there to ensure that/...

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that you would not be sprung from prison? -- No, there were a number of other prisoners there.

But were there any armed guards as well? -- Not really, just outside the cell.

Yes, I am talking about outside the cell, not in the cell. (20)

At the police station were there policemen that were armed, weapons? -- Yes, I do not get the question well.

Swazi Police, were there Swazi Police at the police station at the time that you were in the cell and at the time that you were taken out of the cell, that you were sprung from prison? -- What, I do not get the implication.

I am not asking you to get the implication, I want the facts. -- That what?

Were there Swazi Police at the police station at the time that you were sprung from prison, if you understand? -- There were. (30)

There were? -- There were of course Swazi Police at the police station.

And were they armed? -- At the police station you have to be armed.

Right, that is the question. So what I want to know then is how it came about that whoever it was who got you out, managed to do so? -- Well I do not know, but then what I can tell you is that immediately as Paul Bennett and Tolman came in I just heard sounds and then immediately from there they came with the keys, opened the cell and I left.

Was there any shooting? -- Not, not.

Did you see the Swazi Police when you left? -- No, I did not.

You do not know what happened to them? -- I do not know.

You/...

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You do not know whether they were tied up or locked up or knocked down or anything like that? -- Not at all.

You do not know in other words how the people who got you out of prison managed to do so? -- That is right, yes. I only know that they came and they released me and we left, that is all.

Didn't you ask them how they managed it? -- Not.

Weren't you interested? -- Not really.

Was it unexpected? -- That is for sure, because I never expected that to happen.

Surely you were such an important person in the command structure that you would have expected that they would try and get you out? -- I never did so, I never expected it.

And this was in the dead of night, was it? -- Yes, in the night.

Do you know what happened to the other prisoners who were in the cells? -- Not.

Whether they were let out as well? -- Not, I do not know.

Did your comrades have a vehicle? -- They did.

(30)

(20)

(10)

What sort of a vehicle? -- I really cannot remember now and especially because during that time it was late in the night and the situation was not normal and really I cannot remember what kind of a car, the make, the car, I cannot really remember that and then what I know is that they came in a car and then they fetched me and then I disembarked at - nearby the Houtkop border post.

So was this decision that you would go to the Republic taken while you were driving the vehicle? -- That is right.

And it was a decision which I presume you as the commander must have taken? -- Paul was senior to me.

(10)
What/...

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What was his position? -- He was the unit's representative in the senior, in the, I was the commander of the Transvaal implimentation machinery and Paul was in the regional structure in Swaziland.

So did Paul make the decision that you should go back to South Africa? -- Well together, I can say, we did decide.

If you, again you realised of course that going back to the Republic held great dangers for you? -- I do not get the question. (20)

Going back to the Republic in those circumstances, must have held out great danger for you? -- Well it depends what you mean by great danger to me.

Well you were an important man in the machinery and the South African Police must have known who you were and what your position was? -- In fact to make you clear about this is that each and every MK-member was being regarded as important, just like I do.

Yes, so the South African Police would have known of your existence, would have known of your position and would have regarded you as an enemy? -- Even an ordinary MK cader is regarded as an enemy if he is regarded that way. (30)

And you in particular occupying the position that you did would have been regarded as a particular enemy if I may put it that way? -- Why then me in particular?

Well because you held an important position and you were an important person in the machinery? -- There were those who were holding far higher positions like I do.

Well, let me put it this way, going back to South Africa was not one of the safest options for you, isn't that so? -- It is not always safe to say, even if it comes to a question

of/...
(10)

K103.1701

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of infiltrating a unit, is not always safe apart from the fact that it is me in this case who was involved.

Why were you going back to South Africa? -- Because it was easier for us to decide on sending a unit inside South Africa that will become even at least operational.

Easier than what? -- Than to say I should take the risk of going to Mozambique or having to stay underground in Swazi-land, because from experience we knew that once this kind of thing happens the Swazi's are going to organise a search.
(20)

The point is that it would be easier or safer for you to go to Mozambique from where, the worst could have happened would have been that you would have been deported to Zambia, isn't that so? -- Well, I do not know. This is what you are saying, but then the decision we took (intervenens)

Well I am putting it to you, I am testing this decision, I am testing the honesty of your evidence and I am putting it to you that it would have been a safer option for you to go to Mozambique where the worst that could have happened would have been that you would have been deported, because you would not have been allowed to stay there. -- We did not decide that way.
(30)

No, I know you say you did not, I am putting it to you that that would have been a safer option? -- I do not know, but we did not decide that way. We thought that the best way is for me to infiltrate South Africa.

Where were your wife and child at that stage? -- In Mozambique.

Even though you have been living in Zambia? -- I was not in Zambia, I was arrested in Swaziland.

No, but you came to Swaziland from Zambia? -- That is right/...

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(10)

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right.

You had gone to Zambia after the Nkomati Accord?-- That is right.

When was the Nkomati Accord? -- In April, I think, 1984.

Yes, that is two years earlier. -- Not really, you did not ask me where was I all along, because I left for Zambia in April 1984 and then infiltrated back into Swaziland in July 1984.

So you have been in Swaziland under cover for two years before you were arrested, is that what you are saying? -- Well if your calculations are correct, I think so. (20)

Well not my calculations your dates? -- You are saying so. I never calculated the days in terms of years or months.

Well you are determined to be argumentative. You were in Swaziland for more than two years prior to your arrest in August 1986, is that what you are saying? -- Pardon, I am not saying so.

You are saying so.

CHAIRMAN: The question is you went to Swaziland in 1984 from Zambia? -- Yes.

That is right. Now did you stay in Swaziland until you were arrested in 1986? -- Yes. (30)

MR KUNY: And then you went back to the Republic and you were then

intending to link up with your comrades in the Republic? -- Yes.

To form a unit? -- Yes.

Had you arranged where and when you were going to meet up?

-- That is right.

How long in advance would you have met? -- The following day, that very day in the night.

So in other words you were going on your own ...? -- We
decided/...

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(10)
decided that the following morning, because it was in the night, the following morning would mean at daybreak so that the following morning in the night, I would go and meet them at an arranged spot near Nersten.

And in fact you never did that? -- Went to the spot? I never did that.

No what you did was you send the police to the spot? -- Well, I told the police that this kind of thing is going to take place.

And your comrades came in and they were shot isn't that so? -- You are telling me so.

I am putting it to you, isn't that what happened? -- Well
(20)
thank you very much for that information.

Are you saying that you did not know that? -- Well, I was never told, but then I later on ... (intervenes)

To this day do you not know that those people ...? -- No, I think Mr Gerring raised the very same question at court and then .. (intervenes)

At the Ebrahim-trial? -- That is right. So he said the same way, that is why I say thank you for the information.

Do you mean to tell the Chairman that until that was put to
(30)
you at the Ebrahim-trial you did not know that those people had been shot and a number of them killed? -- Not at all.

Nobody told you that? -- Nobody.

And the first time you heard about it was when you were cross-examined at the Ebrahim-trial? -- That is right.

And that was when, in 1987 or 1988? -- 1988, if my memory does not fail me, it was in 1988 at court.

Did it shock you? -- It did.

Did it shock you to hear that the comrades whom you were supposed/...

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(10)

supposed to have met the following morning, whose names you then gave to the police and whose movements you gave to the police were shot that day? -- Well, I would not say shocked, maybe, well let us put that aside, but then I can only say that since the fact that I gave the information I could expect anything to have happened, but then that was the first time that I came to know that information.

You see this is the surprising thing that you had been a dedicated and committed and well-trained member of the ANC and of Umkhonto we Sizwe until that day in August 1986 when you were sprung from prison and put across the border and within a matter of a day you had done a complete switch, you changed your intentions, you changed your mind about your future, you had given information to the police which resulted in the shooting and killing of your comrades and you were now a changed personality. (20)

Is that what you want this Commission to believe? -- Well through Mr Chairman, I would say, if he puts questions, let him not put at some impressions that well-trained commander dedicated, because this is not what I told him, so this is impressions that he is giving.

(30)

Alright, let me put without the embellishment, you were detained by the Swazi Police on I think it was about 13 August

1986, not so? -- Yes, if my memory does not fail me.

I am not going to tie you to an exact date, you were held by them for two days. -- That is right.

You were then sprung from prison and you were the same night put across the border into South Africa? -- That is right.

With the intention of meeting your comrades? -- That is right.

And/...

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And establishing a unit of Umkhonto we Sizwe in the Republic?
-- That is right. (10)

And that was part and parcel of your functions as a MK-commander? -- Well, I said MK-cader.

MK-cader and MK-commander? -- Yes, but Bennett and Tolman were not ANC commanders, but I was to form a unit with them.

Yes, you were going to be their commander? -- That is right.

And that was your settled intention at the time that you were put across the border. -- That is right.

And you had a fixed arrangement with them to meet that morning at a specific point at Nersten? -- In the night. (20)

Well in the night. -- That is right.

At Nersten and they were expecting to meet you there? -- That is right.

And then you decided at that stage for no apparent reason that you had enough of all this, you really wanted to study and that is all you wanted to do and so you walked to Piet Retief and you handed yourself over to the police? -- Yes, I was tired about the ANC. Get that point, I was tired about being with the ANC.

When did you decide that you were tired about being with the ANC? -- Well, the mind used to come by the time when I was still with the ANC, but then it was never as strong as the time when I was walking in the bushes towards Piet Retief. (30)

Is that when you first decided ..? -- Not first, but then it came to me very strongly.

That you had finished with the ANC and now wanted to study?
-- Let me surrender, that is right.

And you wanted to study? -- Yes, let me hand myself over
to/...

K103.2041

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to the police and then from there I will decide on my future later and then the chief thing being that I would love to proceed with my studies. (10)

You wanted to get rid of this life of living underground, under cover? -- That is right, that is part of it.

And you wanted to become a student? -- Not really a student, but I can say of course it is part of it to further my education.

And now four years later you are living a life under cover and you are not a student? -- You are telling me or you are asking me?

I am putting it to you you are not a student today, are you?
-- That is a lie. (20)

Are you a student? -- Of course, but then I am a part-time student.

What, at Unisa? -- Well I will not tell you that, I can put it on a paper to agree for Mr Chairman.

Why should it be a secret as to what you are a student of or where you are a student at? -- No, it is going to divulge, to reflect what actually I am, because I know that to call me September is just a cover. You know exactly who I am.

You call yourself September, you have not disclosed your identity here? -- But you know, what I know. (30)

You took an oath under the name Septemer today. -- You know it, even at court ... (intervenens)

I know it, I am not sure. I have seen suggestions as to who you are, but I am not sure who you are. -- I know you know. You know.

How do you know that I know? -- Mr Gerring, Mr Naidoo knew about my true identity.

So/...

K103.2112

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So what are you saying? -- What?

What is the point, you are saying I know, so ...? -- That
is right. So once I say I am doing this you can go there and find
out about my address and everything, so I am not prepared to do
that. (10)

I am not interested in your address. What are you studying?
-- There is another thing again, because you are going to look
at my faculty and then exactly you are going to get my address
there.

And then? -- And then you will tell the ANC.

CHAIRMAN: Please, please could we get to the merits of the case,
thank you.

MR KUNY: Well Mr Chairman, I am trying to test this man's
credibility ... (intervenes)

CHAIRMAN: But I do not think that is going to assist me and so
far you have not dealt with anything which deals with the
allegations made against him which concerns him.

MR KUNY: Well Mr September, you know that it is alleged that you
were not sprung from prison by the ANC, but by the South African
Police, have you heard that allegation? -- I saw it in the papers
yes, and even from our discussions with the advocates, yes.

You heard that? -- That is right.

You of course, deny that? -- I do not deny it, it is a lie. (30)

And you know that it is alleged that after you had been sprung

from prison, by the South African Police, you were brought back into the Republic by them, forcibly? -- That is what I got from the lawyers.

You see why I have put all those other questions to you
is/...

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is because I wanted to try and show the untruthfulness of your evidence about your sudden change of mind and how you suddenly decided that you wanted to study after all these years of being a military commander. I put it to you that that is not true, that you were brought across the border against your will and only after you had been detained and assaulted and interrogated, did you then decide to work with the South African Police? -- You are telling me that, but then it is a lie. (10)

Did you have anything to do with a woman who was detained, who was kidnapped in Swaziland and brought across to the Republic by the South African Police, called Sheila Moipane Matabe Niyanda? -- I think I am going to rule this question irrelevant, because it has got nothing to do with what I am here standing for. I think it is completely irrelevant. She had nothing to do with my coming into the Republic. (general laughter) (20)

I do not know whether to listen to your rulings or the witness's rulings. I would like to ask some questions about this.

CHAIRMAN: Well I do not know what the relevance is.

MR KUNY: I am going to ask you whether you know of such a person? -- Will you read the name again?

Sheila Moipane Matabe Niyanda? -- Maybe by the pseudonym, is it a true name or a pseudonym?

Her name, her maiden name is Sheila Moipane Niyanda, but when she was living in Swaziland she got married to one Gabuza Matabe and started using his surname. -- Oh Gabuza, the wife to Gabuza. (30)

Do you know someone by that name? -- Gabuza yes, I know Gabuza.

Her/...

K103.2288

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Her ANC name was Priscilla Matabe? -- I know that Priscilla is Gabuza's wife, yes.

So you do know who I am talking about? -- That Priscilla, I know was Gabuza's wife. The other names you read I do not know who are those.

Now do you know that she was abducted and brought back into the Republic and that she was detained and ultimately charged and convicted? -- Not. (10)

You have no idea?-- Nothing.

Did you ever see her while she was in detention here? -- Nothing.

If she were to put up an affidavit in which she says that she knew you, she knew you in Swaziland and she also saw you when she was in detention in South Africa? -- That is a lie.

That you were brought to her and you spoke to her? -- That is a lie, it would be a lie.

And if she were to say that you asked her whether the police had done the same thing to her as they have done to you, namely kidnapping and she said yes? -- No, I do not know that. (20)

And if she were to say that you then asked her whether she had also been tortured and she said yes, you do not know anything about that? -- Nothing.

And that you said something about the fact that some people can withstand torture better than others? -- Nothing.

You deny that conversation and incident completely? -- I do not know that.

You see what we also do not understand is why you could not simply, if you were so intent on studying, have continued your (30)

studies under the ANC, many people have done so? Why
couldn't/...

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couldn't you simply have done that if you were so determined to study? -- No, that mind did not come very strongly to me that I should start thinking along that line.

So between 1977 and 1986, you abandoned the idea of studying until you started walking towards Piet Retief, is that what you say? -- That I then started thinking about studying?

(10)

Yes, again? -- No, I said that by the time I was inside the ANC, a mind used to come that being with the ANC is, it is wearisome, I am tired about being with the ANC, I am tired about this underground life, but that mind did not come to me very, very strong up till the day when Tolman and Bennett took me out of Mankayana prison.

CROSS-EXAMINATION BY MR MARITZ: No questions.

NO FURTHER QUESTIONS

MR McNALLY: We have no further witnesses for today. We have intended to call General Stadler as you know. The further witnesses to be called are Nzimande who will be available tomorrow and Colonel Coetzee, I beg your pardon, Colonel Du Plessis will be available tomorrow for further cross-examination. That is what we have in mind for tomorrow.

(20)

THE COMMISSION ADJOURNS UNTIL 20 JUNE 1990.

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(30)