

DIE KOMMISSIE HERVAT 4 JUNIE 1990.

MNR. MARITZ: Mnr. die Voorsitter, die eerste getuie of polisiegetuie wie se getuienis aangebied gaan word deur my geleerde vriend, mnr. McNally, sal Joe Mamasela wees. Alhoewel sy naam al gepubliseer is in die media is daar nog 'n mate van risiko en is hy bevrees vir intimidasie. Vir daardie rede doen ons daarvoor aansoek dat u 'n verbod plaas op die publikasie van enige foto of skets van sy persoon.

MR KUNY: Mr Chairman, there are a number of matters about which (10)  
I would like to address you to begin with, but may I deal with this in the first instance. I do not understand what possible basis there can be for withholding publication of the man's photograph. We do not act on his behalf. This is not of any interest to us whether or not his photograph is being published but I submit, Mr Chairman, that in the interest of press freedom there is certainly no reason to withhold publication of his photograph. His name is known, his identity is known, he is an ordinary security policeman and has been since 1982, he is (20)  
testifying about matters which are now of public knowledge and there is no reason why he should be protected. The same protection was not afforded to either Mr Nofemela or Mr Tshikalange or Mr Coetzee, only some witnesses in this matter have been protected in that manner and we submit there is no reason for it whatsoever.  
CHAIRMAN: They did not ask for the protection, so it is hardly applicable.

MR KUNY: Well, it may be but there is no basis upon which this witness is entitled to that kind of protection in our submission. He may ask for it, but it is for you to decide and we submit that there is no basis for it. (30)

CHAIRMAN/..

CHAIRMAN: I think what Mr Maritz says is that they fear re-prisals and it is easier to effect a reprisal if the person's face is known rather than only his name.

MR KUNY: Well, I would be surprised if his full identity is not known generally at the moment, because it has been in the press, it has been common knowledge for some time now. It is known that he has been living in Soweto, all sorts of things about him are known, how does the publication of his photograph or non-publication afford any kind of protection?

VOORSITTER: Wat sê u, mnr. Maritz?

MNR. MARITZ: Mnr. die Voorsitter, my instruksies is dat daar (10)  
alreeds probleme ontstaan het met betrekking tot mnr. Mamasela se kinders en dat daar sekere stappe moes geneem gewees het om intimidasie van die kinders te voorkom. Dit is nie net hy alleen nie, maar dit is sy familie ook wat bedreig kan word sou sy identiteit op hierdie wyse openbaar gemaak word. 'n Naam is uit die aard van die saak nie so erg soos dat die foto of 'n skets van die betrokke getuie gepubliseer word nie. Hy was ook, sal die getuienis wees, op 'n stadium baie diep ingegrawe as 'n bron vir die Suid-Afrikaanse Polisie by die ANC en daar bestaan beslis (20)  
'n vrees dat ook as gevolg van sy bedrywighede op Vlakplaas waar hy 'n belangrike rol gespeel het in die opsporing van insurgente dat daar intimidasie van hom en sy familie mag volg.

CHAIRMAN: Mr McNally?

MR McNALLY: I think I should stay neutral on this one. You have heard arguments on both sides.

MR SKWEYIYA: Mr Chairman, just for the - I do associate myself with what Mr Kuny has said.

MR KUNY: May I just add one thing, and this is an argument

which does/..

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which does apply in the present case as well, it has frequently been said and with some force that the reason why publication of the identity of a witness should be allowed is because public may be able to come forward with information concerning that person which may assist in cross-examination and in establishing the truth. Now, the same applies in the case of the publication of a man's photograph where the public would see the photograph and they would furnish information which could be of importance, particularly if his name is now disclosed and the name could be put to the photograph and as far as having acted as an informer (10) for the police concerned this, you will remember, was in 1980 and he says '81, that is some nine, ten years ago. It cannot be of any relevance to the present situation. We would rather that he come to this commission and give evidence not under disguise and that his full identity be disclosed.

CHAIRMAN: What are your applications?

MR KUNY: I am simply submitting ...

CHAIRMAN: No, no, your applications.

MR KUNY: Sorry. Yes, there are a number of things. The first is this, having regard to the fact that we represent Mr Nofemela, (20) Tshikalange and Coetzee and neither Messrs Tshikalange and Coetzee are present in this country, but Mr Nofemela is, we would request and we have in fact requested this of the secretary, that Mr Nofemela be available in the commission during the course of the evidence to be given by the various witnesses who have been referred to in his evidence or about whom he would be able to instruct us. It is important that we have that facility available to us. It is important that he should hear their evidence and should be

able to/..  
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able to instruct us as it goes along. When we directed this request last week to the secretary of the commission and to Mr McNally we were told that they had no authority in this regard and we should request you this morning to authorise Mr Nofe-mela to be brought to the commission. I submit that it is certainly within your power to issue that request and ... (intervenes)

CHAIRMAN: Which powers?

MR KUNY: Well, in your general power as the chairman of this commission, to ask the prison authorities to have him brought here and be made available to us during the course of the evidence.

(10)

CHAIRMAN: No, I appreciate that, but I do not think the commissioner has any general powers except those specified.

MR KUNY: Well, at least if you were to direct that request and indicate that it was desirable that he be brought to the commission during the course of this evidence, the prison authorities are likely to comply. Mr McNally and Mr Erasmus considered that they do not have the power to do this and suggest that we should ask you and this is the first application that we make to you.

CHAIRMAN: Yes, and then?

MR KUNY: The second is this, we were given last week a list of witnesses who are to be called and I know that the letter says that it may be necessary to add other names to the list as the evidence unfolds. Two surprising omissions from that list and witnesses whom we believe must be called and should be called at an early stage, are September and Bosigo. In the letter that was written to us by Mr McNally he said that September has not been subpoenaed as his evidence would relate in the main to happenings in Swaziland. Well, with respect that is

not strictly/..

in South Africa and apart from that it is very relevant to the whole question of credibility. So, we would ask that September be brought and be brought at an early stage as well as Bosigo.

You will remember that his evidence is also relevant to the question of credibility apart from the activities of the Vlakplaas squad and it is surprising that he has not been referred to in this list. Thirdly, there are various documents which we have in the past requested or to which reference has been made in the course of cross-examination which we would want and would need in order to be able effectively to cross-examine certain of the witnesses. There is first of all the question of the documentation relating to Mr Mamasela's passport or passports. You will remember that in the course of cross-examination my learned friend Mr Maritz referred to a passport in his possession. (10)

CHAIRMAN: I remember that.

MR KUNY: Now, the point is that that has never been handed in as an exhibit and we have never had access to it, we have not seen it and we have not been able to ... (intervenes)

CHAIRMAN: Do you want the passport?

MR KUNY: We want that passport because Mr Maritz must have it. It is referred to on page 378/79 of the record. (20)

CHAIRMAN: Here it is.

MR KUNY: Secondly, there was also reference made to another passport possibly in the name of Mdlalosi which is a name mentioned by Mr Nofemela and there was reference made to this as well in London when Mr Coetzee gave evidence about the application for the passport and I think it was you, Mr Chairman, who indicated that when the commission return to

South Africa/..

CHAIRMAN: Yes, he referred to the passport application. I gave instructions for that to be investigated.

MR KUNY: Now, we would like to have the documentation or the results of that investigation.

CHAIRMAN: Yes, I do not know what the results were.

MR KUNY: And that may be important from the point of view of cross-examining Mr Mamasela as well. We also requested, and I place it on record now, but it is not important for today's hearing, we have requested the Polmed records relating to Mr Bosigo. We were told in a letter which we received last week that this was being followed up and that a statement by Jacobus Hercules Nel in this regard would be available for our inspection today. So far we have not seen such a document and if my learned friends have it may we have access to it right away, although it may not concern the cross-examination today. (10)

Then, Mr Chairman, as far as the order of calling witnesses is concerned, I do not know whether it is intended rigidly to adhere to the list that has been given which indicates that today the witnesses called are likely to be Mamasela, Ngqulunga, Brigadier Schoon and Brigadier Van der Hoven, but it seems to us that the same sort of order of witnesses should be followed as was followed in the case of the CCB, namely that the rank and file people should be called in the first instance ... (intervenes) (20)

CHAIRMAN: Well, that is not quite right. We started off with General Webb in the CCB matter and then we wanted to call Verster but he was in jail, so then we went to this rank and file.

MR KUNY: Yes, but was not cross-examination held over until after the/..

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after the other witnesses had been ... (intervenes)

CHAIRMAN: Well, no one asked for leave to cross-examine.

MR KUNY: Well, in any event, our submission is that it would be appropriate to call the rank and file people so that they can either be disposed of quickly or ... (intervenes)

CHAIRMAN: But I thought rank and file would include Mamasela.

MR KUNY: Well, no, no. Well, Mamasela is being called and we are ready to deal with Mamasela, but there are a number of other witnesses who have been listed and who might still have to be listed who we think should be called at an earlier stage and then thereafter the more senior officers, but fundamentally at this point, Mr Chairman, we would submit that for the purpose of enabling us effectively to cross-examine Mr Nofemela should be present in the commission to assist us and instruct us. (10)

CHAIRMAN: Anyone else with any application?

MR PRETORIUS: There are two witnesses due to be called in relation to the Maponya matter, Nzimande and Mbelo. Although we have in writing requested documents from the commission, we have not yet requested and we would like to place on record that we do now request any documents relating to their work-sheets during the relevant period. That is all.

VOORSITTER: Mnr. Maritz, het u iets te sê oor enige van hierdie goed? (20)

MNR. MARITZ: Mnr. die Voorsitter, wat die aanwesigheid van Nofemela by hierdie kommissie aanbetref vind ek die aansoek 'n bietjie vreemd. Nofemela was 'n getuie gewees. Hy het geen belang by die verrigtinge voor hierdie kommissie nie. Hy het volledig getuig, hy is volledig gekruisverhoor en behalwe vir die feit dat dit my moeilik sien dat u die bevoegdheid het om hierdie getuie/..

nodig sou wees. So sekerlik sou ons geleerde vriende in die posisie wees om instruksies te neem waar Nofemela in die gevangenis is. Wat September en Bosigo aanbetref het ons geen beswaar daarteen dat hulle getuienis aflê nie. Ek moet sê dat ons het in oorleg met mnr. McNally die lys opgestel en ons is nog nie vantevore versoek om hierdie getuies beskikbaar te maak nie, maar daar sou geen beswaar bestaan van ons kant af om hulle beskikbaar te maak indien nodig nie. Wat die dokumentasie aanbetref, ek is nie bewus van 'n paspoort in 'n ander naam nie, maar ek aanvaar dat dit opgevolg sal word. Dieselfde geld vir Bosigo se (10) Polmed-dokumente en ook wat betref die werkskaarte van die twee getuies met betrekking tot Maponya, dit is reeds ingehandig.

VOORSITTER: As bewysstukke?

MNR. MARITZ: Ja. Dit is die bundel wat al die werkskaarte bevat.

Ek dink dit is B99 sê my geleerde vriend. Dit behoort deel van B99 te wees.

CHAIRMAN: Mr Pretorius, they are in B99.

MR PRETORIUS: Yes, Mr Chairman, I will check those. It may be necessary to request more, but I will be more specific at a later stage.

MR McNALLY: Mr Chairman, in regard to Nofemela's presence I just (20) draw attention to the administrative problems in addition to the possible legal problem that you yourself have named. When he came it caused some disruption to the prison warders' activities because I think at least two had to come with him and to guard him and it does create the possibility of escape as well which cannot be lost sight of. In addition I would

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(30)  
like to point out that copies of the statements of those who are to be called are being supplied to legal teams in advance. The



statements of the people who are to be called today have been available for some considerable time, so there is that opportunity for prior consultation with Nofemela, but further than that I do not wish to say anything, and as far as September is concerned, my understanding of September's position is that he was released from a Swaziland prison or from a police cell in Swaziland, the conflict surrounds the question as to whether he was released by fellow members of the ANC at that time or whether he was released by members of the South African Police. That conflict does not seem to affect the working of the commission. Bosigo's case (10) concerns a wound inflicted in the foot allegedly. It was also related to an outside operation in Swaziland. So his contribution to the commission does not seem to me to be sufficient to warrant his being called. As far as documents are concerned we will look into the question of the Mdlalosi passport application. I was not in London and I was not aware that that was something to be followed up. General Van der Westhuizen who was in London does not seem to have any new information on that aspect and the passport of Mamasela has been made available this morning. As far as the statements of Nel are concerned which relate to Bosigo's Polmed (20) applications, I will have them available after the tea adjournment.

I did indicate in a letter to my learned friend that they will be made available today, but they do not relate to any of the witnesses about to be called today.

MR KUNY: Mr Chairman, yes, it is true that affidavits have been furnished in advance in relation to people like Mamasela and others, but this does not alter the fact that during the course of/..

course of evidence all sorts of things emerge about which one will need instructions. If we are going to have to each time we want

to cross-examine a witness ask for an adjournment in order to go to the prison to consult with Mr Nofemela, it is only going to hold up the working of the commission and with respect while the witnesses, while Nofemela and others were giving evidence, my learned friends had available at their sides in the commission room all the police whom they needed to instruct them and to help them with their cross-examination. We should be afforded with respect the same facility. My learned friend Mr Maritz says that Mr Nofemela has no interest in these proceedings, it is simply that he was a witness. He of course does have an interest insofar as his credibility is on the line here. His credibility is going to be determined by you, Mr Chairman, on the basis of what you have heard from him as well as what you hear from the other witnesses and on that basis the question of September and Bosigo, you may decide to make credibility findings in regard to what Mr Nofemela has said relating to September and Bosigo without having heard those two witnesses and with respect that cannot be. We are entitled to have them before the commission to cross-examine them on the very aspects on which Mr Nofemela's evidence is being doubted and whether or not the events took place within or outside the Republic is not the question. So, clearly September and Bosigo are relevant and important witnesses from the point of view of credibility and we would submit that they be brought, apart from the fact that Mr Nofemela has alleged that September was assaulted within the Republic, irrespective of how he came to be released from the Swaziland prison. For all these reasons we submit that

our application/..

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our application should be granted. One other thing, it cannot surely be a relevant consideration that there are logistical

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problems about having Mr Nofemela here because of - my learned friend says the possibilities of escape. If we are concerned at getting to the truth of the matter here, then it is important that he be here.

R U L I N G

CHAIRMAN: The application to prevent the publication of a photograph of Mr Mamasela is refused because I do not believe it will give any additional protection.

The application to have Mr Nofemela available cannot be dealt with by this commission. I do not have the power except to subpoena as a witness. (10)

As far as the list of witnesses is concerned I shall reconsider the question of September and Bosigo and we will make a decision in due course. The documents are dealt with.

As far as the order of witnesses is concerned I do believe that the officers of the commission have reasons for the list and I presume that if they can be convinced that they should amend they will do so. I do not wish to get involved into that kind of detail.

As far as the Maponya related worksheets are concerned, that has apparently been dealt with. I would just like to repeat what I have said at the opening of the London hearing, and the same principles will apply during this hearing. (20)

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MR McNALLY: We proceed now to call Joseph Tshepo Mamasela. His statement has been prepared and we would like to number it B132.

I think that is the next number.

MNR MARITZ: Mnr. die Voorsitter, ek het 'n probleem dat ek kry/..

lig van die feit dat sy foto gepubliseer kan word. Mag ek vra vir 'n kort verdaging, asseblief.

VOORSITTER: Wel, ek weet nie of sy onwilligheid hom enigiets in die sak kan bring nie. Hy moet getuig. Hy is gedagvaar en hy is hier.

DIE KOMMISSIE VERDAAG.     DIE KOMMISSIE HERVAT.

MR MARITZ: Mr Chairman, I am in an unfortunate situation that I have reached a complete impasse. The witness refuses point blank to appear before the commission unless he is afforded the protection that we asked for. I must say that I under-estimated (10) the gravity of the whole matter and I have approached my learned friends to reconsider their opposition to the application with the view to address you again on the issue. They have come back to me and said that they would have to get instructions from I do not know where, but they have to get instructions as this would involve other witnesses as well and I believe that my learned friend Mr Kuny has suggested that the commission adjourn until tomorrow morning until 10h00. Irrespective of what my learned friend's view will be tomorrow, we should also be grateful to take the opportunity to draw the necessary affidavits in this regard and (20) place this before you and if needs be we would like to renew our application tomorrow morning. As I say I did not really appreciate the gravity of the whole matter. There are a number of serious factors which we regard necessary to place an affidavit before you and this matter being interlocutory we would suggest that you would be in a position to reconsider the application, Mr Chairman.

MR KUNY: Mr Chairman, I appreciate what my learned friend has said/..

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(30)

said. May we just make our position perfectly clear. When I say "our" I am now speaking on behalf of various separate legal teams

who are represented here. We do not want to stand in the way of any of these witnesses giving evidence before the commission. On the contrary we believe that in the interest of getting to the truth of the matter these witnesses should testify. On the other hand there are certain matters of fundamental principle involved and we are now told that it does not only concern Mr Mamasela but it concerns a whole host of witnesses. Certainly all the black witnesses apparently will take this attitude and it may well be that certain of the white witnesses will do the same. Now, in the light of that and in the light of the fact that this morning (10) was the first time that we knew this attitude was going to be taken, we do believe that it is a matter that requires more serious and earnest consideration and that we take instructions on the stand that we should now adopt, having regard to the fact that it involves more than one witness. We do believe that it would be necessary that we take instructions today and come back tomorrow morning and can indicate then what our attitude will be. There has already been a problem in relation to this commission of witnesses testifying in disguise and we do not want to give rise to this sort of situation again, but we would ask in the circumstances (20) that the matter stand until tomorrow morning when we will be able to indicate our attitude.

THE COMMISSION ADJOURNS UNTIL 5 JUNE 1990.

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DIE KOMMISSIE HERVAT OP 5 JUNIE 1990.

MNR. MARITZ: Mnr. die Voorsitter soos wat ek gister aangedui het (30)  
is dit ons voorneme om die aansoek met betrekking tot die beskerming

van die getuie wat tans moet getuig, vanoggend te hernu. Ons het 'n substantiewe aansoek voorberei waarin die betrokke feite behoorlik en korrek uiteengesit word. Ek is bevrees dat ek gistermiddag nie al die feite tot u aandag gebring het nie. 'n Verdere faktor wat in ons submitisie die aangeleentheid open vir heroorweging is die feit dat die getuie self, ten spyte van die dreigement van strafregtelike verrigtinge teen hom, botweg geweier het om voor hierdie agbare Kommissie te verskyn. My posisie is egter, soos wat ek vanoggend aan u verduidelik het dat ons het 'n bietjie logistiese probleme. Ek is nog steeds op wag op my (10) proku-reur met die oorspronklike stukke. Ek het die vrymoedigheid geneem om afskrifte in u besit te plaas vanoggend om moontlik tyd te bespaar. Ongelukkig het ek nog nie die stukke nie en ek het die aangeleentheid met my geleerde vriend, mnr. Kuny bespreek. Ek was ook nie in 'n posisie om die stukke in sy besit te plaas nie. Ek is 'n bietjie verras deur die feit dat die Kommissie vroeg begin sit het.

VOORSITTER: O-nee, ek is gesê ek moet afkom.

MNR. MARITZ: Ek is jammer. Ek het onderneem om vir u te laat weet.

(20)

CHAIRMAN: Mr Kuny what is your attitude?

MR KUNY: As far as Mamasela is concerned Mr Chairman, my learned friend has told us the facts on which the application is based, although we have not seen the affidavit, we accept what my learned friend says in relation to Mr Mamasela and although we still stand by our basic objection in principle to this kind of protection being afforded to witnesses. In the

case/...

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as our team is concerned. It may be that there are other attitudes here. We are prepared to agree that he should be afforded that protection by you.

CHAIRMAN: Thank you. Is there anyone who has any objection?

MR SKWEYIYA: Mr Chairman my instructions are not to object also.

R U L I N G

CHAIRMAN: Well, in the light of the new facts placed before me and I presume the affidavit will be presented in due course, I order that no photographs or drawings of Mr Mamasela be taken, made or published.

(10)

MNR. MARITZ: Soos u behaag.

MR KUNY: May I say in the mean time Mr Chairman, while the witness is being called, that this is not necessarily to indicate that we have expressed our general consent to all witnesses being treated in this fashion.

CHAIRMAN: No, I will deal with each one as they come. Is the affidavit B132?

MR McNALLY: As the Commissioner pleases, yes.

JOSEPH TSHEPO MAMASELA, d.s.s.

EXAMINATION BY MR McNALLY: Is it correct that on 26 October last year you made a short statement to me and to General Conradie who were then conducting an inquiry, in which you denied having participated in the killing of Durban attorney, Mr Mxenge? -- That is absolutely correct.

(20)

That statement Mr Chairman is EXHIBIT B19. And have you now for the purposes of the Commission and through your legal representatives prepared a new statement which is dated 18 April this year, which is now before you? -- Yes, that is

correct/...

Good. We want to take you through that statement please Mr Mamasela and you may in fact read from it. Loudly, if you will.

Can you start from, well we can dispense with the first paragraph where you say that you were stationed at the Security Branch Headquarters in Pretoria and you hold the rank of sergeant, that is in the Security Police. Can you just read from paragraph 2 please? --

"2. I was born in Johannesburg on 2 June 1953. I attended the Morris Isaacson Secondary School in

Soweto. There was a high incidence of political activity at the school, and during 1976, when I was in standard 9, a number of my friends and I at the school were involved in rioting in Soweto. As a result of such activities many of my friends fled the country, and most of them joined the African National Congress (ANC) and I was hard pressed to join them. However, I refused to do so, as I had a duty of support to my parents. I did not return to school, but set myself up in business as a trader in soft goods.

3. During or about May 1979 I was arrested by members of the South African Police on a charge of house-breaking and theft.

I was completely innocent and while I was an awaiting trial prisoner, I co-operated with the police in their endeavours to find the real culprits. Eventually the real culprits were apprehended, and my innocence having been established, I was released from custody and all charges against me were dropped.

4. However/...

4. However, while I was an awaiting trial prisoner, I was treated as a convicted prisoner, and inter alia I was required



to work. This I refused to do. I was then regarded as a troublemaker, and Major Gerhard Kruger - at the time he was a lieutenant attached to the Security Branch of the South African Police at Krugersdorp - was called in to interview me. I may add that Major Kruger was transferred to the Security Branch of the South African Police in Durban during 1981 and that he is still there.

I explained my standpoint to Major Kruger, in which he concurred. He thereafter took the matter up with the authorities and I was thereafter properly treated as an awaiting trial prisoner. During the course of my conversation with Major Kruger he asked me whether I would be prepared to assist him in combatting terrorism after my release from prison. I told him that I would consider it, whereafter he gave me his telephone number with the request that, should I have any information which could assist him, I should call him. (10)

5. Although I had always been an ANC sympathiser, I came to the realisation that the violent methods employed by the ANC to achieve its political objectives were wrong and injurious to the people of South Africa. Another factor which served to estrange my allegiance to the ANC was the fact that one Sipho Makopo, the younger brother of a chief representative of the ANC (Isaac Makopo) had started spreading stories about me and I was disillusioned (20)

to/...

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MAMSELA

to find how quickly the ANC was willing to believe scurrilous reports. I had information as to several activities of the ANC on the West Rand and in June 1979 I decided (30)

to take up Major Kruger's offer. Major Kruger caused me to be registered as a source and thereafter I received remuneration for information that I supplied.

6. In late 1979 to early 1980 I was recruited by the ANC and I was sent on an intelligence course in Botswana. Two of the people who attended the course with me, were Lilian Keagile and Ernest Moabi Dipale.

7. I kept Major Kruger informed of my activities at all times.

During early 1980 I came to be regarded as a very important source and I was approached by Major Kruger for my consent to have Colonel Jan Coetzee of the Security Branch at Krugersdorp brought in as a second handler. I consented thereto and it was done. I may add that early in 1981, when Major Kruger was transferred to Durban, Captain Blignaut of Krugersdorp was brought in to replace him as my second handler. (10)

8. During the winter of 1981 my role as an agent of the South African Police was discovered by the ANC. My friend with whom I had travelled to Botswana, was kidnapped and murdered.

I was kidnapped at Gabarone, inter alia by Ernest Dipale, Lilian Keagile and Gilbert Phoshoko, and taken to Selebi Pikwe, which is approximately 400 kilometres from Gabarone. I managed to escape, and thereafter the (20)

Botswana/...

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MAMASELA

Botswana Police apprehended and held in custody Ernest Dipale, Lilian Keagile and Gilbert Phoshoko. I spent the next four to five weeks in Botswana assisting the Botswana Police in their investigations into the murder of my friend and my own kidnapping. Thereafter I returned (30)

to Botswana on a few occasions until about August 1981, but because of the great danger to my personal safety I have not returned to Botswana since.

9. During the remainder of 1981 and early 1982 I pursued my activities as a source of the South African Police, while continuing my business in soft goods.

10. In the beginning of 1982 Colonel Coetzee was transferred to Vlakplaas near Pretoria. He discussed the matter with me and it was then decided that I should join the South African Police and that I should be stationed at Vlakplaas. (10)

I joined the South African Police on 4 February 1982 and as a proof of my appointment I annex hereto a copy of my Record of Service as Annexure 'JM.1'."

That speaks for itself, so we can continue reading from your statement please. --

"Although I was stationed at Vlakplaas after my appointment, and I was involved in the activities at Vlakplaas, I was never resident there. At the time I was married and my wife and I had a young son. I maintained my household, and I returned thereto as often as I could after operations in the field. However, on a few occasions, we returned to (20)

Vlakplaas/...

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MAMASELA

Vlakplaas too late for me to travel home and on these occasions I slept at Vlakplaas.

11. My work at Vlakplaas involved the tracing of insurgents in the whole of South Africa, mostly the insurgents were armed and very dangerous, because they could be expected, and on several occasions actually did, shoot (30)

their way out to avoid being apprehended. We were therefore armed.

12. I did not know Dirk Coetzee at all during 1981. After I was stationed at Vlakplaas, I saw Dirk Coetzee on several occasions when he visited Vlakplaas socially. He was not officially attached to or involved with Vlakplaas in 1982 and thereafter.

13. I also met Almond Nofemela when I was stationed at Vlakplaas. I did not know him at all before 1982.

I may add that during 1981 I received information as to an attack on Voortrekkerhoogte by members of the ANC. Despite being forewarned, the police and army were not able to avoid the attack, which actually took place. During the course of the investigations concerning such attack I was taken to Vlakplaas by Colonel Coetzee on, as far as I can recall, two occasions in order to make certain identifications. However, on both occasions, I was heavily disguised and my identity was not revealed. (10)

14. In what follows I propose to deal with the allegations levelled against me seriatim.

15. I emphatically deny that I was in Durban in November 1981 and that I was involved in the murder of (20)

Griffith/...

C77/0498

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MAMASELA

Griffith Mxenge in any way whatsoever. As set out herein before, at the time I was operating as an under cover source of the South African Police and I had no involvement with or attachment to Vlakplaas whatsoever. To the best of my knowledge Colonel Coetzee also did not have any involvement with or attachment to Vlakplaas at the time. As set out herein before, I did not know Dirk (30)

Coetzee and Almond Nofemela. As a matter of fact, I did not even know of their existence. The same applies to Brian Ngqulunga and David Tshikalanga. I only got to know them after I was stationed at Vlakplaas.

16.I emphatically deny that I had anything to do with the murder of a diamond dealer at or near Lindley. I am advised that such murder is alleged to have occurred during 1981, and I reiterate that during 1981 I did not even know of the existence of Dirk Coetzee, Almond Nofemela and David Tshikalanga."

(10)

Can we just pause a moment there Mr Mamasela. The statement of yours from which you are reading was made before the Commission moved to Londen and I understand during the course of his evidence Dirk Coetzee mentioned your involvement in another matter that took place at Lindley and the details of that matter were briefly as follows: That on

24 October 1981 there were two cars in the Lindley area. You and Nofemela were alleged to be in the one car and Dirk Coetzee was alleged to be in the other car and there was certain shooting at the occupants of a third car in order to bring that car to a standstill and originally it is alleged that Nofemela took the blame for the shooting and then it was

(20)

brought/...

C77/0566

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MAMASELA

brought to the attention of the authorities that in fact it was you, a police informer, who had done that shooting. What is your reaction to that bit of evidence? -- I categorically deny that.

Right, can we proceed then with paragraph 17 of your statement? --

(30)

"17.I deny any involvement in the alleged kidnapping of Ernest Dipale during October 1981. I must emphasise that I

was well known to Ernest Dipale and his family. It would have been foolhardy of me and my handlers to have involved me in a patently illegal act such as the alleged kidnapping of Dipale.

As will more fully appear from the copy of a crypto message form of 5 August 1982, which I annex hereto as Annexure 'JM.2', I was involved in the arrest of Ernest Dipale in August 1982. Ernest Dipale was being sought by the police and during the evening of 4 August 1982 I saw him in a vehicle in Soweto. I tried to apprehend him, but he managed to get away in the vehicle in which he was travelling. I gave chase, and in the process fired four shots from my revolver at the vehicle, but Dipale and his com-panion managed to escape. I reported the occurrence and a description of the vehicle and, as appears from Annexure 'JM.2', Dipale was subsequently apprehended and detained by other members of the South African Police. I was later informed that Dipale had committed suicide by hanging himself in the cell in which he was being

(10)  
detained/...

C77/0622

- 2172 -

MAMASELA

detained.

18.I am advised that I am alleged to have been involved in the killing of three black men at an old mine site at Westgate on 16 Feberury 1982. I am advised that these three men died in an explosion in a bunker-type building on the said mine site. I am further advised that one Zandisile Zando Musi survived the blast. I

(30)  
emphatically deny any involvement whatsoever in such occurrence. I also do not know the said Musi at all.

19. I am further advised that Almond Nofemela and Dirk Coetzee allege that a "hit-squad" or "murder-squad" existed at Vlakplaas and that in later years Nofemela and I were the prominent members thereof. I emphatically deny these allegations. During the time that I was attached to Vlakplaas there never was a murder- or hit-squad.

As stated before, our work involved the tracing and identification of in-surgents. During my time at Vlakplaas approximately 20 insurgents were apprehended.

I may add, however, that during 1984 and 1985 I was Brigadier Cronje's driver and I drove him wherever he went. During such time I was not actively involved in the tracing of insurgents. In November 1985 I was transferred from Vlakplaas to my present station at Security Headquarters in Pretoria. (10)

20. I am further advised that Dirk Coetzee alleges that I participated in the theft of a car in Port Elizabeth, an Audi, which belonged to a Union leader. This car was allegedly left at the police

station/... (20)

C77/0678

- 2173 -

MAMASELA

station in Jeffreys Bay. I deny these allegations.

21. Lastly I wish to state that there has never been any love lost between me and Nofemela. From the beginning of our acquaintance we disliked one another, and this dislike soon developed into open animosity. The matter came to a head in 1983 when we came to blows in an incident involving money and I managed to give Nofemela a comprehensive hiding. Thereafter the relationship between us was so bad that we were kept apart by those in command of us. (30)

I am fully prepared to testify under oath before the Harms Commission."

Yes, that then is EXHIBIT B132.

CROSS-EXAMINATION BY MR KUNY: Mr Mamasela you have given us a general picture of who and what you are. I am going to ask you to begin with some questions to fill in that picture and see whether you agree. Incidentally what is your date of birth, is it 1953 or 1955? -- 1953. I even pointed out to my attorneys that my service record, there is a misprint of 1955.

Yes, that is what I wanted to know. Your correct date is 1953? -- Yes, I am 37 years old. (10)

In a travel document which has been issued in your name, number 617575 your date of birth is also given as 1955, 2 July 1955. So the same mistake was made there. -- That is not my correct date of birth.

And it is July and not June in this travel document. -- It is June. It is 2 June 1953.

Any idea how this incorrect date comes to be inserted in the travel document? -- I do not know. Maybe it is a mistake of the people who issues passports, but if you can inquire from/... (20)

C77/0761 - 2174 - MAMASELA  
from them my original birth certificate is there with them. They can give you the original birth certificate.

Did you apply for the passport yourself? -- I did, yes.

Fill out the forms yourself? -- Correctly, yes.

When I say passport, I am talking about the travel documents? -- Travel documents, that is correct. (30)

And is this the only travel document you ever had? -- To the best of my knowledge that must be the only one.



Did you ever have a second travel document which you used for any purposes? -- No-no.

Issued in the name of some Ndlolozzi? -- No, I do not know that person.

And you never had a document issued in that name? -- No.

Now is it correct that you were in Botswana in 1978 where you underwent training for instance at the ANC by a certain Keith Makwape? -- 1978?

Yes. -- No.

Do you know Keith Makwape? -- I know Keith Makwape very well. (10)  
Where do you know him from? -- From Botswana in 1979.

Are you sure it was not 1978? -- No, it was 1979.

Because our instructions are that in 1978 you underwent training by him in the use of small arms, pistols, Makarov for example, handgranades, that sort of equipment. -- Your source is incorrect.

Did you undergo that sort of training in 1979? -- No, in 1980, in 1980 I underwent intelligence training.

Well that is right. -- No small arms were involved there.

Did you never receive training in the use of small arms of any kind in Botswana? -- 1980 I received one with a Makarov (20)  
pistol/...

C77/0821 - 2175 - MAMASELA  
pistol. That was called night shooting, night target shooting for self-defence.

What other training did you receive in 1980? -- It was intelligence and that pistol shooting, night pistol shooting.

Not the use of an AK47 for example? -- No, no ways.

Or handgranade or any other form of armament? -- No. (30)

Why was your training confined only to the use of a Makarov?  
-- The ANC said to me it is for self-defence because I was just

going to get the intelligence for them.

What sort of intelligence training did you receive? -- It involved photography, professional photography, typography, the making of DLB's, clear drop signals, clearing signals, ciphering and deciphering of messages, coding and decoding of messages.

So it was quite extensive? -- I may not use the word extensive.

How long did you undergo training? -- Three weeks and thereafter I went on refresher courses.

When did you go on refresher courses? -- I cannot remember.

What years? -- It is 1980, it was just 1980. Between January  
(10)  
and May 1980.

And was Keith Makwape the person who trained you? -- No, Keith Makwape was not there at the time.

When did you come to know Keith Makwape and in what capacity?  
-- I started to know Keith Makwape in 1979 when I went to the ANC, to the residence of the ANC, that is 2067/68 Buntling. That is the headquarters of the ANC, he was there, he was stationed there, as the caretaker of that headquarters.

And did you actually join the ANC? -- I did not join the  
ANC/...  
(20)

C77/0898

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MAMASELA

ANC, I infiltrated the ANC.

Well infiltrated in what way? Infiltrated by joining them?  
-- Yes.

By pretending to join? -- By pretending to join them.

You came as a genuine recruit? -- No, I did not come as a genuine recruit. I came there as an informer, to infiltrate them, not as a genuine recruit of the ANC.

Well you told them that you were a genuine recruit? -- Yes,  
(30)  
this is what I told them.

And did they accept you? -- Yes of course, they did.

What did you have to do in order to convince them of your bona fides? -- I did not have to do much because they knew my political background from school. The majority of them were in the one school together, as I have already attracted into.

What was your political background from school? -- I was the secretary general of SASU at school in 1975 and outside the school campus I was the national permanent organiser of the SASM (South African Student Movement) which is the younger brother of SASU.

But that did not have to do with the ANC? -- Yes, but the ANC, all the people, the majority of the people who are presently in the ANC they are people who impress SASU. Those were the laying grounds for the ANC. (10)

Wasn't SASU a black consciousness movement? -- It is a black consciousness movement, but the people of it is to radicalise and to politicise you and once you become political aware then you become a haven for the ANC to recruit you.

So you are saying that because you were associated with the black consciousness movement the ANC accepted you without any question? -- No problems. Even Roland Masinga himself is

a/...  
(20)

C77/0954

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MAMASELA

a permanent official of the ANC he was a member of SASU. Mostly of us, the people who went away out of this country in 1976 were members of SASU.

And this was despite the fact that when your colleagues and friends left, fled the country to join the ANC in 19 ... after 1976 you refused to do so? -- Definitely, I did refuse.

And yet the ANC accepted you without question? -- No problems.

The ANC at that time my friend tried to recruit me to go with them, I decline not the ANC. It was my friends who tried to recruit me and then I declined. (30)

You say that in 1979 you were arrested for house-breaking and theft and you were in prison awaiting trial. -- That is correct.

How did it come about that being in prison awaiting trial you were treated as a convicted prisoner? -- That is what I fought for.

How did that happen, how could it happen? -- That is what, they requested us to do some hard labour and I refused. I pointed out to them that I am not suppose to work as a con-victed prisoner because I was a trial prisoner and they called the police, the security police, because they regarded me as a trouble maker. (10)

Well that is what I want to ask you, you were there merely on an ordinary common law offence, house-breaking and theft with which you were being charged? -- Yes.

Why did they call in security police in order to come and deal with you as a trouble maker in the prison? -- Yes, I can merely speculate on that, because I am not those people. I think maybe because of my statement to the prison wardens that I made at the time, because I told them you are use to

treating/...

C77/1016

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(20)

MAMASELA

treating blacks as your doormats and I am not prepared to be treated as your doormat. Maybe they assumed that it is a political statement, that is why they called the security police.

Or was it perhaps that you called the security police, because you decided at that stage that the way out of your problem was to become an informer? -- I had no telephone access to call security police in jail, I could not.

No, you would have asked to see the security police, because it occurred to you that perhaps this was a way out of your difficulty. -- There is no way I could have done that. (30)

And that is in fact when you agreed to become an informer

isn't it? -- I deny that. I totally deny that and I reject it with all the contempt it deserves.

That is the standard answer that one gets. When did you decide to become an informer? -- I told Major Kruger that I will consider his offer and after I have proved my, and established my innocence beyond any reasonable doubt I was released from custody and charges against me were totally withdrawn and later, it was then after that, that I have decided to take Major Kruger's offer. It is in my affidavit.

Yes, I know it is in your affidavit. I am testing that. (10)

Now is it not possible that the charges were withdrawn against you because you decided to do a deal and become an informer? -- No ways. I was absolutely innocent to that house-break and theft case as I am innocent now.

Yes. You speak about yourself being a dealer in soft goods. -- That is correct.

You said that is what you were then and that is what you are now? -- Yes.

Or/...

C77/1072

- 2179 -

(20)  
MAMASELA

Or at least at some point later you were a dealer in soft goods. -- I am still a dealer in soft goods.

Are you still? -- Yes.

I thought you were full-time in the police force. -- No, I still serve.

Are you saying that despite the fact that you are stationed at Security Branch Headquarters in Pretoria and hold the rank of a sergeant you carry on business privately as a dealer in soft goods? -- Yes.

This is your private enterprise? -- That is correct. (30)

What does it mean to be a dealer in soft goods? -- It means

buying and selling clothing.

What do you buy and sell? -- Suits, ladies coats, jackets and I have still got some at my place.

You see, I put it to you you were well-known, certainly, in 1978, 1979 in those years as a car thief and a person who smuggled cars across the border into Botswana? -- No, that is a joke.

Is it? -- No, it is definitely a joke.

I see. Did you use to drive a blue Valiant? -- A blue Valiant, no, a black Valiant.

Oh, you drove a Valiant. -- A black one.

(10)

What years did you drive that car? -- 1978, 1979.

Did you ever drive a Mercedes Benz? -- Yes, a white one.

Did you ever drive any other vehicle? -- Yes.

A what? -- A 1975 Valiant.

Colour? -- Blue.

So you did drive a blue Valiant at some point? -- At some point, yes.

So you drove a blue Valiant, a black Valiant, a

white/...

(20)

C77/1141

- 2180 -

MAMASELA

white Mercedes Benz, anything else? -- And a black Ford Galaxy 500.

Business as a soft goods dealer must have been good for you? -- Indeed it was.

CHAIRMAN: The question is whether they were used, did you have all these cars at the same time? -- No, at one stage or another.

MR KUNY: And did you ever sell any vehicles to the ANC in Botswana? -- No.

A Ford 3 litre, a white Ford 3 litre and an E20, I think it is, Combi in 1981? -- I know of about the E20.

(30)

What do you know about the E20? -- I know about the E20 that

Dipale brought it to Roland (Elias Masinga) an ANC official in Botswana.

Did you have anything to do with that? -- No.

Are you sure? -- Hundred per cent sure.

I was under the impression that you sold it to the ANC?

-- No ways.

Right. Have you ever been arrested or charged in connection with any theft of vehicles? -- No, not in my life.

It's the only time that you were arrested and charged in connection with the house-breaking and theft incident? -- Yes.

Do you have a deep wound on your left thigh, an injury to your left thigh? -- An injury? (10)

Yes. -- Yes I have got.

From what was it, what caused that? -- I was shot at.

Yes, when? -- It is 1979 in January.

Yes, in what circumstances? -- It was just a criminal that I assaulted before who ambushed me and shot at me.

Our information is that you told people in Botswana that you/...

C77/1212

- 2181 -

(20)  
MAMASELA

you had received that when you attempted to hijack a vehicle carrying money and you were shot at and you received that injury to your leg? -- Your people were fooled in Botswana because the case is there. I reported that case at Vorga(?) police station and the person was apprehended and he served a prisoned term for that.

Where did this happen? -- It happened in Soweto and the man was arrested and he served a prison term of ten years.

Yes, for what? -- Actually it is 15 years.

For doing what? -- For shooting at me. (30)

15 years for shooting at you and injuring you? -- Yes, he

had criminal records that man.

I see, well we can check on that. -- No problems.

Now there was a certain - why did you assault that man? -- He was creating troubles for us in my area. He was assault-ing people, he was assaulting my neighbours and one of my neighbours called on me and then I reprimanded him and then he started fighting me and then I gave him a comprehensive hiding.

A comprehensive hiding as you did to Nofemela? -- As I am a boxer, yes.

Yes, I was going to ask you about that. We know that you  
(10)  
are a boxer. You used to carry boxing gloves around with you, didn't you? -- No-no.

Sometimes? -- I cannot carry boxing gloves around with me.

Well I do not mean everywhere you went, but you used to have a pair of boxing gloves with you? -- Yes, at home I have.

Well they knew about your boxing gloves in Botswana. Did you used to take them to Botswana with you? -- No ways.

Who was the man that you assaulted and who shot you, do  
you/...

C77.1276

- 2182 -

(20)  
MAMASELA

you remember his name? -- Yes.

What was it? -- David Ndlela.

And the year? -- 1979, 13 January.

And where was he convicted? -- First he was convicted at Portee(?) court for attempted murder. Whilst he was on bail, he shot at me and then he was again convicted and then the case was sent to Johannesburg Court where he was convicted for the two, in Soweto he got, I think six years. In Johannesburg they gave him nine years.

Now at a certain stage the ANC became disillusioned with you  
(30)  
in Botswana. Is that correct? They suspected you and you feared



that they were out to get you. -- They did not suspect me. What happened is they kidnapped me and my friend and they murdered, they shot and killed my friend and they burned his corpse.

Yes, why did they kidnap both of you if they did not suspect you? -- I think probably they might have suspected me, but the killing of my friend had nothing to do with my activities.

Well you were both, you say, kidnapped by the ANC. -- Yes, including Lilian Keagile, Ernest Dipale en Gilbert Phoshoko.

Who kidnapped you? -- Yes, they were participants in my kidnapping.

(10)

And that was in, you say about winter 1981? --Yes.

When, what month? -- Between May and June, but it was winter. What I know is it was very cold.

And after how long did you manage to escape? -- They kidnapped me today and I managed to escape the following day, evening.

You/...

C77.1350

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MAMASELA

You told them that you had to go off somewhere and you would come back? -- No, I told them they must take me from Gabarone to Selebe(?), could I fetch my belongings and money.

(20)

Yes and then? -- And then they bought my story. They took me there and then I escaped.

You were able to talk your way out of it in other words? -- Definitely.

And where did you go to after you escaped? -- I went to Botswana Police, to the police station, Lobatse police station where I laid the charges against all of these people.

For kidnapping you? -- For kidnapping me and they were arrested.

(30)

Then what happened? -- What happened after, the police interviewed me and I told them we were two when those people

kidnapped us and the other one I do not know where he is and then they told me I must describe him. I described him and they said no, to the best of their recollection a corpse, who would answer to that description has been found along the Osse-Lobatse road.

So they called upon me to go and identify my friend and I did identify him positively.

How could you identify him, his corpse has been burned? -- Yes, not completely burned, the face. He fell with his face, so the other body was burned, but some part of his face was not burned and we had some other rings that we made for ourselves. He had one and I had one and then I identified him positively even with that ring. (10)

Did you give evidence at his trial? -- No.

Why not? -- I feared for my life. The ANC wanted to kill me.

So what did you do, did you leave Botswana? -- Yes. Even today/...

C77.1421

- 2184 -

MAMASELA

today, I am afraid to go there.

(20)

Have you never been back to Botswana since then? -- No ways.

What was the last time you set foot in Botswana? -- August - July/August 1981.

You never entered the country by any means since that time to Botswana? -- To Botswana. I did, to be honest I did. During my work I had some informers that side so we had to jump and meet them and jump.

Yes, that is what I am asking you. So you used to go into Botswana, but illegally? -- Illegally of course.

Yes and under cover? -- Definitely.

(30)

Across the fence? -- Yes.

Where there recognised crossing points or how did you get

across the border? -- No, I used various points to jump the fence and go into Botswana.

And how long would you stay in Botswana on that occasions?  
-- I just go and see my source and come back immediately because I fear for my life there. I cannot stay longer than a day.

Where were you - you might remain there for a day? -- No, I cannot remain there for the day. I go in the evening and come out whilst it is still dark. Because I fear identification.

Would you go in by vehicle or on foot? -- Sometimes by foot, sometimes one of our sources will go in legally and then at a certain point at a certain time he must come and fetch me somewhere, but I cannot disclose where and how. (10)

No, I am not asking you to disclose where and how. I ask you by what means you used to get in Botswana? -- Yes, foot and/...

C77.1477

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MAMASELA

and car.

Yes and would you go to Gabarone? -- No, I cannot. No, not Gabarone. Gabarone I had no source there. (20)

Lobatse? -- No.

Well, you say that there were various people that you had to see in Botswana? -- Yes.

And that was after August 1981? -- Yes, in Ramotsa and in Moshaneng. That is where I used to meet some of my people there, my contacts, mainly.

Now in Botswana of course, you had a lot of contact with the ANC people, with Dipale, with Lilian, with Rola, with various people from time to time. I am not talking about in 1981, I am talking about prior to that and up until the time that you were kidnapped? -- Yes-yes, that is correct. (30)

And you knew where they lived? -- Yes.

You knew what houses were used? -- Yes.

You knew who stayed where and did what? -- I did not know about who did what where. I knew where they stayed, but what they were doing, I did not completely know.

Well not completely, but broadly speaking, this was your field of operation and the area that you would have been in-forming about? -- Definitely.

So you would have tried to acquire as much knowledge and information about them as possible? -- That is correct.

And you would feed that back to your handlers who might decide to act on it at some point. -- I do not know what they were doing with the information. My duty was to get full information and give it to them. (10)

Yes, we will come to that later, but the point is that you furnished as much information as you could about Botswana? -- Yes/...

C77.1534

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MAMASELA

-- Yes definitely.

Now all that time you were an informer for the police. You were not officially a policeman until February 1982? -- Definitely. (20)

But of course, your cover was blown in winter of 1981 when it became clear that you were not a genuine ANC member? -- That is correct.

And the ANC would then have known about you and would have known that you could not be trusted any longer? -- Definitely.

And of course you said yourself that it would be dangerous for you to go into Botswana openly? -- Correct.

And of course your association with the ANC and the modus operandi would have told you that these people were trained, highly trained, armed, equipped and capable of carrying out violent acts? (30)

-- Yes, because they did indeed commit them.

And the purpose of your informing was to try and tell the

police as much as you could about the intentions of people who were regarded as terrorists coming into the Republic? -- Definitely.

You knew of course that these people had the arms and equipment with which to commit acts of violence in the Republic? -- I knew about that.

And in fact you have spoken about them being dangerous? -- Yes.

In your affidavit you say that? -- Yes, they are dangerous.

And therefore you had to be armed? -- While we were working (10)  
or while we were looking for them?

Well when you were on duty, when you were in the field  
of operation/...

C77/1606

- 2187 -

MAMASELA

of operation you were armed? -- Yes.

Even as an informer you were being armed? -- No, I was not armed as an informer. That will expose me.

Expose you to whom? -- To the ANC. If they see me carrying guns, they do not give me. I am obviously ... (intervenes) (20)

Did they ever give you a gun while you were a member of the ANC? -- Yes, they gave me some to bring to the DLB's and I handed them over to my superiors.

While you were working with the ANC you had guns? -- I had no cause to be armed.

But they gave you guns to carry for them? -- No to bring to the DLB inside the country. They gave me grenades to bring into the country. They gave me a lot of things to bring into the country.

So you were actually carrying arms into the country? -- Yes, (30)  
I was a courier. I was their courier.

And that of course told you also that they had the means at

their disposal with which to carry out acts of violence in the Republic? -- No doubt about it, I have lost a friend.

And you knew very well from the way they treated your friend, killed him and burned his body that they were people that you could not fool around with? -- Yes, I knew I was dealing with hardened criminals.

And if you did not get them they would get you? -- I do not know. I do not understand your question.

Well that you would handle them with - you would not handle them with kidgloves in other words if you were confronted by people like this? -- Yes, if they confront me, in a confrontation situation, I will do my best to get out. (10)

Now/...

C77/1692

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MAMASELA

Now, you also, it seems, believed implicitly in what you were doing? -- Yes, like I am believing now.

Yes. You believed that it was necessary to become part of what, I think, has been described as a counter-insurgency group to try and forestall acts of violence in the Republic? -- Definitely. (20)

You saw this as your function and as your mission? -- No, as my function and duty. I had a duty to protect the lives of the innocent people.

And I take it that in that situation, I am not just talking about you, but the counter-insurgency forces generally, would not only deal with people who had come into the country and who were armed and about to commit acts of violence, but might also deal with these people pre-emptively, if you understand what I mean? -- I understand very much. (30)

Yes and do you agree that one of the functions was to deal with people like this pre-emptively? -- Not in my unit. We were

not allowed to do cross-border acts, not to the best of my knowledge.

Well we will come to your unit in a moment, but are you saying that in fact cross-border acts were carried out, but not by your unit? -- Yes, they were carried out by the South African Defence Force. It is an open secret. It has been in the press everywhere.

By the police? -- I do not know about the police. I know about the South African Defence Force.

Where was it carried out by the South African Defence Force? -- In Lesotho, in Mocambique, even the Chief of the South African Defence Force even testified in the press and said my units have landed safely. He confirmed it. (10)

What/...

C77/1759

- 2189 -

MAMASELA

What about Botswana? -- I do not know about Botswana.

Could it be that the police carried out acts of that sort in Botswana? -- I do not know about that. I do not wish to subscribe to that kind of thinking, because in my ... (inter-venes)

Why not? -- Since I was in the Security Police we never received any instruction to go and attack people in Botswana. (20)

Hence, I say, I do not subscribe to your thinking.

I am asking you, I am not putting my thinking to you, I am asking you whether the police carried out acts of that sort in Botswana? -- To the best of my knowledge, I do not know anything about that.

And of course I am asking you, because you will be questioned specifically about the raid into Botswana in October 1981 to the house that were shot at. -- I do not know anything about that.

And where it is alleged that you were involved? -- No ways. (30)

Do you know that there has been evidence before this Commission that Swaziland was regarded as the area to be dealt

with by the police and not the Defence Force? -- No, I do not know anything about that. It is the first time I hear that.

You are not in a position to dispute that? -- I do not know it. I cannot dispute something that I do not even know.

Right. Did you ever go to Swaziland in the course of your duties? -- I never went to Swaziland. I never went to Swaziland.

You seem a little hesitant? -- No, I tend to think, because it is so many, I have got eight years experience in the police force, so I must recall, I am not a computer, I

must/...  
(10)

C77/1828

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MAMASELA

must think.

No, fair enough, well think about it. -- Yes, I am thinking. I never went to Swaziland. Lesotho yes, I did once.

You say Lesotho you went to, in the course of your police business, operations? -- As an informer.

As an informer, when was that? -- In 1980. I think January 1980, I think during the show of Miriam Makeba en Hugh Masigela, we went there with the public ... (intervenes)

(20)

CHAIRMAN: During the what? -- During 1980.

Yes, but what happened then? -- I think that was during the Hugh Masigela and Miriam Makeba show.

The Mirry Makeba show? -- Yes, and I went there with the members of - a prominent member of the UDF there.

Miriam Makeba, the singer, yes.

MR KUNY: Mr Chairman may I just interrupt for a moment, I am informed that directly opposite the witness is sitting General Van der Westhuizen and Colonel Engelbrecht and that ...

(intervenes)

(30)

CHAIRMAN: No-no, it is not Colonel Engelbrecht.

MR KUNY: Well whoever it is, apparently, there may well be a



certain amount of eye contact being made and we would like those two gentlemen to move to another point please.

CHAIRMAN: Please sit at the back.

MR KUNY: Sorry, you were talking about Lesotho. In 1980, what was the purpose of your going there? -- I was accompanying an official of the UDF, Pawpaw Molefe, who told me that he was going to meet some other contacts of the ANC in Lesotho, but we were going to discuss this as if we were attending the show, the Miriam Makeba show.

Of/...  
(10)

C77.1917

- 2191 -

MAMASELA

Of course the UDF was not in existence in 1980. -- I said, now currently a member of the UDF, an official of the UDF.

Is that the only occasion you went to Lesotho? -- Definitely.

You know that it is being alleged that you took part in a diamond deal which involved a diamond dealer from Lesotho, you deny that? -- I deny that vehemently.

And that that diamond dealer was killed by you and Nofe-mela and this was in 1981. You deny that as well? -- That is an outrageous lie. (20)

Now in the course of your operations as a policeman have you ever had occasion to use your firearm? -- Yes.

Did you actually shot at someone? -- Yes.

Have you ever killed anyone? -- I shot at someone who was armed who tried to rob me of a state vehicle. I shot him in self-defence. He subsequently died from his injuries in the hospital.

When was that? -- 1986, no 1985. 1985, December.

Any other occasion? -- I never - I did shoot, but I did not kill after that. I only remember that. (30)

Is that the only occasion on which, in the course of your

official police duties you used your firearm? -- No, I shot and killed a person.

Yes, I am talking about that person? -- Yes.

Now, I am asking whether on any other occasion? -- On other occasions I did use my firearm to apprehend people. I shot a person and arrested him.

Where and when? -- That was 1980 - between - yes, it was 1982 in Soweto. A policeman's son who was driving a stolen vehicle/...

C77.2015 - 2192 - (10) MAMASELA

vehicle. Sort of crashed two ladies and he did not stop, he ran away and I gave chase and in this subsequent ensuing chase he stopped the car and then he tried to get out and run away and I shot him in the foot and apprehended him and those two ladies, they died on the spot and he was arrested for culpable homicide. He served a ten year jail sentence.

There was an incident that occurred in 1987 was it, at your home in Sebokeng? -- No, no more staying there. In 1987 I was staying somewhere else, 1986.

Well do you remember ... was it 1986? -- 1986. (20)

The shooting incident? -- Yes.

When you ...? -- I was attacked with petrol bombs and I defended my property and my life.

Your house was, you thought, being petrol bombed? -- I did not think, it was petrol bombs.

It did not in fact, it was not set alight? -- The petrol bombs fell short over my wall, but it was set alight. It burned, but fortunately ... (intervenes)

What burned? -- The walls. The petrol on the walls. It beat against the wall and then it burned. I have a security fence, a high fence. These people were throwing the petrol bombs over (30)

the fence. Fortunately it did not go to the windows, it went into my wall. It fell down. I think two or three of them and then the walls caught fire and so I went out to investigate.

Yes. When you went out to investigate did you take your firearm? -- Definitely.

And what firearm was it that you took out? -- It was an Uzi.

An Uzi sub-machine gun? -- Sub-machine gun, yes.

How/...

C77/2104

- 2193 -

MAMASELA

(10)

How many shots does that fire? -- 20.

Are you sure it is 20? -- Yes.

I thought it was 25? -- 25 is the big one, the big Uzi.

Did you have a small one? -- I had a small one.

And did you fire it? -- Yes.

At whom? -- I saw a group of people running out of my gate and then I fired, actually a warning shot and then my warning shot was replied and a squeamish developed.

And how many shots did you fire? -- I think I emptied a whole magazine and I put in the other one and the other one I used a few bullets. (20)

And there was someone killed in the process, a little girl? -- A little girl was killed because she was caught between the cross-fire.

And there was an inquest? -- Yes.

You made an affidavit in that inquest? -- I made an affidavit, but I was not called into that inquest.

Well, you made an affidavit about the circumstances? -- The incident occurred.

Yes and you spoke about the fact that you have taken your Uzi, that it had a magazine which held 25 rounds ...? -- No, 20 rounds. (30)

Well, I am reading from your affidavit. You said: "Daar was 25 rondtes in die magasyn gewees" and you emptied it? -- Yes.

"Ek het na die gemelde figure gevuur en het die magasyn leeg geskiet." -- Yes, definitely, yes.

And you put another one in? -- I put in another one, yes.

And at the end of the inquest it was found that no one could be held responsible, because it was not clear whose

bullet/...

C77/216

- 2194 -

MAMASELA

(10)

bullet killed the child. -- Yes.

But you were certainly able to come out of your house and fire off a whole round, a whole magazine of bullets from an Uzi into the darkness where you thought you saw some people who were running away? --Not as you put it, it is a completely different picture altogether.

Well, what is the picture? -- The picture and the truth is, I went out and I saw, I never thought, I saw people, a group of people running out of my house and I fired a warning shot. They went into the direction of the veld where my warning shot was (20) replied and when it was replied, then a squeamish developed. Those people were shooting, I was shooting.

And then you fired a full round, a full magazine? -- Of course.

I have got to repress people who attack me, at all costs.

I just want to establish that you are not a person who is reluctant to use a firearm when necessary? -- When necessary I am not reluctant. When my life and my property is in danger I am not reluctant to do that.

You see it is also alleged that you used a firearm on 24 October 1981, when you were travelling in this car with Nofemela near Lindlay and of course you deny that? -- Vehemently. I mean it (30) is a treasonous lie. It is lies. It is just not true.

You know absolutely nothing about that incident? -- I did not even know of Mr Nofemela's existence at that time.

Of course, if there were some evidence that you were the person involved in that incident, then you would be lying today before the Commission? -- No, I was not there.

Yes/...

C77.2262

- 2195 -

MAMASELA

Yes, I will come back to that as well. You say that never prior to February 1982 did you go to Vlakplaas? -- I said if I remember I went on one or two occasions. (10)

Yes, but was that when you went in disguise? -- Yes.

You were never actually operating out at Vlakplaas? -- I was not involved in Vlakplaas duties.

Where did you meet Dirk Coetzee then? -- I stated in my affidavit. He used to come at the plaas socially to visit with his young kids.

Yes and did you actually had personal contact with him? -- No, they just introduced him as Captain Dirk Coetzee and that was that. (20)

And that is all? -- To all of us, yes.

But you never actually had any personal contact with him? -- No.

Or formed a friendship with him? -- No.

Or with his children? -- No. Saturdays we used to play with them and they were nice kids.

Yes, you never actually had conversations with Dirk Coetzee? -- Not to the best of my knowledge.

Would you have anything to talk to him about? -- No, I did not even know him. He was an officer and I was afraid to meddle with him. (30)

So there was really no contact between you and Coetzee to

speak of? -- Whatsoever, yes.

And yet Coetzee has seemed fit to involve you for no reason at all in various illegal acts. Acts of murder and other illegal acts. Now can you explain that Mr Mamasela, why? -- Yes, but I have a problem with that question, because I do not know why he did that. I can merely speculate to

this/...

C77.2343

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MAMASELA

this Commission, I can only speculate.

(10)

Well I am asking you if you know any reason at all why he should introduce you totally fictitiously and artificially into situations which occurred and say you were the person or one of the people who were involved in those acts of illegal violence? -- My speculation to that is this. In that Vlakplaas, in the whole of that Vlakplaas I was the one and the only one who was an informer who was made a policeman there. So when it was about informers and all that I think it was ideal to use my name, because it is that I was the only informer at Vlakplaas.

No, but you were not even an informer at Vlakplaas. -- He  
knew that .... (intervenes)

(20)

In 1981. -- He knew I was an informer.

Why would he know that you were an informer? You did not have contact with him, he was not your handler, you never used to come to Vlakplaas, but why would he know that you were an informer? -- He is an officer, he was constantly at - had contact with my superior by then, Colonel Coetzee. He used to discuss, I assume - I said I speculate - I do not know whether this is the fact or not, a speculation not a fact, it is my speculation. I think he knew me probably that I was the in-former. Now when he gets stories about informers and all that and the informer was there, the only person relevant to his mind at the time was Mr

(30)

Mamasela, because he knew I was the only informer at Vlakplaas who became a policeman. I think that is my speculation.

Well that may be, but why include you in a transaction involving the killing of a diamond dealer which had nothing to do with Vlakplaas and which had nothing to do with anything that/...

C77/2437

- 2197 -

MAMASELA

that you were busy with. Why include you in that? -- It was a mystery. I still want him to come and tell me exactly why he is implicating me on such horrendous and scurrilous stories about the killing. (10)

Well it may be because it is true? -- No, I do not say maybe it is true. I say it is totally wrong and it is totally and outrageously lies.

Well, it does not become more of a lie if you use those adjectives. -- No, it is a lie, it is an absolute lie.

CHAIRMAN: You will accept that, I think I would also probably react. -- Yes, well if a person accuse me of murder.

To those, if such statements is made about me.

MR KUNY: It may be, but every lie is described in these terms. (20)

CHAIRMAN: I think could we adjourn now.

THE COMMISSION ADJOURN. THE COMMISSION RESUME.

JOSEPH TSHEPO MAMASELA, still under oath:

FURTHER CROSS-EXAMINATION BY MR KUNY: During the adjournment we have been looking at this travel document of yours. It appears that it only dates from 1980, but you were busy travelling backwards and forwards to Botswana prior to 1980 weren't you? -- No.

When is the first time that you went into Botswana, in 1980? -- Yes, in 1980. (30)

So there is no prior passport to this one? -- No.

Well then presumably this passport would also reflect your

entry into Lesotho in 1980? -- Yes.

Does it, I could not find the stamp, perhaps you could point it out? -- I can just look.

Maybe I have missed it. -- Here is the stamp.

Have/...

C77.2574

- 2198 -

MAMASELA

Have you got it? -- Yes.

Yes, there appears to be a stamp: "Maseru Bridge" is it?

-- Yes, Lesotho.

(10)

25 October 1980, is that when it was? -- Yes, 1980.

Would that be the only occasion on which you used your passport to go into Lesotho? -- Definitely.

Did you ever go into Lesotho by other means than through the border? -- No, I had no contacts in Lesotho.

Your association with this friend who was kidnapped and killed by the ANC you say in Botswana, was it a very close association?

-- Yes, he was my true friend. He was in fact an orphan that my parents decided to take custody to.

So he is sort of your adopted brother? -- Definitely.

(20)

And you must have been very aggrieved by his death? -- Yes, very much.

And determined to get even for that? -- Not in that sense.

What sense? -- I cannot get even and fight the ANC as an organisation alone, a very violent and cruel organisation alone.

It is difficult. I could not get even with the ANC.

Well by assisting the Botswana police to track down the offenders, by giving evidence in the trial in which these people were charged. -- No, I thought the best way of doing it is to assist the South African Police to arrest the people because I had confidence in them.

(30)

This was in Botswana not South Africa? -- The Botswana



police could not do anything.

But the Botswana police arrested people and charged them for the death. -- They arrested them and even charged them and two of them got death sentence which was never even practised. They/...

C77.2681

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MAMASELA

They would left behind the backdoor, I am sure. Chief Twala and Dennis Monageng, they got out scot-free, but they got the death sentence.

Excuse me, are you saying that two of them were convicted and sentenced to death? -- Definitely. (10)

In that trial? -- In that trial in Botswana.

I would like to correct you on that. I appeared for those people in the trial and they were all acquitted? -- I do not know about that. The newspaper, the newsletter that I got from Botswana was that those people were sentenced to death, the South African people who murdered people there. They were sentenced to death.

Well you are wrong and I put it to you that your information at least on that, would have been accurate, you would not have to know from the newspaper. -- Know, as I have said I did not further bother myself over that case, because I feared for my life. I have stated it categorically. (20)

It is interesting that your contact with Dirk Coetzee appears to have been so fleeting that you never really had conversations with him or formed any kind of relationship with him, yet he knows or he knew quite a lot about you. For example the way in which you speak, he said you are a person who speaks with a "bry", which you do. -- That one is an obvious thing. Everybody, even today, everybody can see how I speak and I was the only person that speaks like that at Vlakplaas. He could not miss my speech or my accent. (30)

Well he knew that about you and he said he knew that because he worked with you in 1981. -- No. Even the people here can go

out, as I have talked today, if they go out they know already how Joe speaks. So it is not a matter that I

work/...

C77/2775

- 2200 -

MAMASELA

worked with all these people.

He also said that he had a high regard for your ability, and that is why when it came to killing Mr Mxenge, he requested that you be sent down to assist. -- I do not know how to describe it.

It is a green lie, it is a lie.

(10)

Let us come back to this incident of the Lindley shooting.

That was on 24 October 1981 at a time when you say you were just an informer. -- Definitely.

Nothing more and that you had no connection with Vlak-plaas.

Now you know, or do you know anything about what happened in that matter have you heard, have you been told? -- No ways. The first time I heard about it was in the papers, when I read in the newspapers that Dirk Coetzee is making allegations and the people who came from London they said no, my attorneys called me and said no this man is making the allegation that you murdered a diamond dealer in Lindley or somewhere there, I did not know of.

(20)

That is the diamond dealer. I am now going to ask you about the other shooting near Lindley of those people in the motor car? -- No, I know nothing about that.

Well, let us deal first of all with the diamond dealer.

When was the first time that you were told by anybody that you were alleged to have been involved in the killing of a diamond dealer? -- I was told by my, I think it was my attorneys when they called me some time back. I do not know, I am not sure, but they said allegations were made against me in this connection. In connection with this murder. I do not know how to express it.

(30)

I told you I do not know nothing about that as I do not know anything

about that, even today.

Well you see, there is, apart from the evidence given in  
this/...

C77/2880

- 2201 -

MAMASELA

this regard by Coetzee and Tshikalanga and Nofemela, there is no other evidence to establish that a diamond dealer was in fact killed or that such an incident ever occurred. It is just their word, so it is very easy for you I suggest to deny that you were involved. -- No, I do not even know that is their only words. I do not even know anything, I do not know the details of that thing, I am absolutely innocent. (10)

And until Mr Dirk Coetzee revealed this in his statement, no one ever knew about it. -- I do not know about that one.

And yet he gratuitously included you for no reason at all. -- As I say, if only he were here he will maybe explain to me why he implicated me. I do not know anything about that.

Well Mr Nofemela also implicated you and he is at hand and he has given that evidence. -- Yes, Mr Nofemela knows, we are not on good terms. (20)

Now there was the incident relating to the shooting on 24 October, you have heard about that now, shooting at a car where you were alleged to have been the person who did the shooting. -- You told me about that, but I know nothing about that and my attorneys told me nothing about that.

Have you never seen any of the documentation in that regard about that whole incident? -- No.

Do you know that arising out of the shooting that took place on 24 October near Lindley, a civil action was instituted against the police? -- No.

Have you ever been told that? -- No, I do not know anything about that. (30)

And that eventually that civil action was settled because instructions were given by the police that an informer had been/...

C77/2985

- 2202 -

MAMASELA

been responsible for the shooting and the identity of the in-former could not be revealed under any circumstances? -- I do not know anything about that one.

And I am going to put it to you, although you will not know, you say, about this that it emerges from the documentation that we have been given that there was in existence and should still be in existence a statement of the passenger who did the shooting and it is suggested by Mr Coetzee that you were that passenger as to what actually happened that day. -- No, I know nothing about that one. (10)

Mr Chairman at this point I want to ask through you that this statement, which has been referred to in the letter of the State Attorney, Mr Earle, dated 2 Augustus 1983 be made available. Now I know that it has been suggested that the statement seems to have disappeared, but it seems to us in-conceivable that the statement ... (intervenes) (20)

CHAIRMAN: No, we made inquiries. We were told it does not exist, no longer exist, so what must I do? Through me, what must I do.

I mean I may be toothless as been suggested, but I must act within the law, must I not?

MR KUNY: Yes, I understand that there is a problem if that is the, it may ultimately be a matter then for argument and comment, but every other document in this file appears to be available except the one vital document which could ... (intervenes)

CHAIRMAN: No, except that document was as far as I recollect, kept separately in a safe. (30)

MR KUNY: According to a handwritten note on the one letter.

CHAIRMAN: Yes, it was not kept with those documents. So these documents came from the State Attorney or wherever and  
the/...

C77.3089

- 2203 -

MAMASELA

the other was kept by someone who has retired somewhere else.

MR KUNY: Well it may well be that the State Attorney still have that document because it is referred to in his letter and he obviously had seen such a document and we, through you, would request that Mr McNally, Mr Roberts make further efforts to obtain that document. (10)

CHAIRMAN: But if you can tell us what efforts we will attempt to do that.

MR KUNY: Perhaps Mr Earle, I do not know what our learned friends have done, but perhaps that is something we can deal with, with them. I just want to place on record that it is somehow, we submit that it is somewhat significant that that document is not available.

MR McNALLY: Mr Chairman, attempts have been made to trace that document. Both from my own office and the Attorney General's office in Bloemfontein and from the State Attorney's office in Bloemfontein, but without avail. The reason being that the documents are not kept that long. They are destroyed after a certain period of time and we really have tried to find that document, but to no avail. (20)

MR KUNY: If you would bear with me for one moment Mr Chairman.

Mr Mamasela, once you became a policeman, registered as such, what was your function that is from February 1982? -- My function was very clear. It is also in my affidavit that my function was to identify and to trace in-surgents throughout the entire South Africa. (30)

And having done that to arrest them ...? -- To arrest them

if possible.

Did you arrest people? -- Yes, we did. I did help to arrest some insurgents.

You/...

C77.3239

- 2204 -

MAMASELA

You have the authority to arrest once you were a policeman?  
-- No, not actually arrest myself, but to help the police to arrest the people. I was involved in several cases.

Were you entitled as a policeman to arrest somebody?

(10)

CHAIRMAN: I think there may be a confusion. Mr Kuny asks you, after February 1982, after February 1982 when you was a policeman ..? -- No, I was entitled to arrest a person.

Yes, he wants to know what were your functions after February 1982? -- It was normal police functions. I did apprehend, yes.

MR KUNY: To trace ...? -- To trace and to effect arrests.

Yes and you did in fact do that on occasion? -- Yes, on occasions I did.

Now were there occasions on which you had to resort to any form of shooting or other form of violence in order to effect an arrest? -- I have already stated in the Commission that I did that. (20)

I know.

CHAIRMAN: But Mr Kuny wants to know about insurgents? -- About insurgents.

Did you shoot any insurgents during the course of ...? -- No, not to the best of my recollection.

MR KUNY: Or were you involved in shoot-outs with insurgents? -- No.

You seem again to be uncertain. It surely isn't something that you can be uncertain ...? -- I must recall, this thing, from 1982 up to now, it is a long time, I must think. As I have stated, I am not a computer. I must think, I must recollect and tell the (30)

Commission the facts, the actual state-ments.

Alright/...

C77.3330

- 2205 -

MAMASELA

Alright, I will repeat the question. Were you involved in any shoot-outs with any insurgents once you became a policeman?  
-- Not to the best of my recollection.

Well, when you say not to the best of my recollection, does that mean you were not or there might have been occasions that you cannot now recollect? I am not splitting hairs. I would like  
(10)  
to know whether you were or not? -- No, I was not.

You were not. Can you remember how many people you arrested during the period you were working in that capacity? -- Yes.

How many? -- I have arrested one, two - it was, I help arrest Mohabe and ... (intervenes)

That was in 1982? -- Yes.

Did you have anything to do with the arrest of Mohabe in 1981?  
-- No, in 1982.

Only in 1982? -- Yes. I did that and there is another one, that policeman's son who drove over the two women.  
(20)

CHAIRMAN: No-no, Mr Kuny wants to know of insurgents. Did you arrest any insurgents? -- No, I only helped some police-men, but myself as an individual I never arrested.

Did you always act with other policemen who did the arrest?  
-- Yes.

MR KUNY: And did you ever participate in interrogating people who have been arrested, insurgents?-- No-no. I was not trained in that direction. Officers were appointed to do that. Ours was to arrest and to hand them over to the officers.

And you now mentioned arrests that you were involved in, what  
(30)  
about with other people, other members of the force, were there many more in which you participated? -- Not to the best

C77.3463

- 2206 -

MAMASELA

of my recollection, because I have stated here that during, there was a one year break period, whereby I drove Brigadier Cronjé around. So I had nothing to do with the tracing of in-surgents.

It is stated categorically in my affidavit.

Yes, I see that. I am now asking about your own involvement, because in paragraph 19 of the affidavit you talk about during your time at Vlakplaas approximately 20 insurgents were apprehended. -- Yes. (10)

Now I presume that is not just by you, but by other members of the Vlakplaas squad? -- Yes.

And I was asking about your own involvement in apprehending people?-- I was involved in the apprehension of Jawa, two in the Eastern Transvaal, Piet Retief area. I participated in their arrest.

It seems strange that during the whole time you were at Vlakplaas excluding 1984 and 1985, only 20 insurgents were apprehended. Surely it would have been many more than that? (20)  
-- It could probably, but to the best of my recol-d probably, but to the best of my recollection I can only, I only know of at least more or less 20.

Were any killed in the process of attempting to arrest them? -- Not whilst I was there.

Was there any particular reason why you were allocated to become a driver for Brigadier Coetzee? That would have been ... (intervenes)

CHAIRMAN: No not Coetzee. -- Cronjé.

MR KUNY: Sorry, Cronjé. Wasn't that a form of demotion? -- No (30)  
in fact I took it as a form of promotion. Driving the Brigadier is an honour to the police.



Is it? -- Yes.

I see and you are now what rank in the police,

sergeant?/...

C78.0067

- 2207 -

MAMASELA

sergeant? -- I am a sergeant, yes.

Did you used to keep comprehensive records of your conduct as a policeman. In other words the jobs you went on, the times that you were employed on various jobs? -- No-no.

No? -- No.

Weren't you required to? -- We were not. We were actually advised not to carry any incriminating documents with us. (10)

What does that mean not to carry any incriminating documents? -- If I carry documents to the effect that I am a policeman, that I do this every day on the records on myself. If I am required to infiltrate a highly radicalised organisation they will definitely, chances of them finding out that I am a policeman, were plenty. So if I had nothing on me and I record nothing on me, then the chances ... (intervenes)

I can understand that but what I am asking you is at your base wherever you were stationed, didn't you keep records of everything you did as a policeman all the jobs you went on and the things that had happened as a running record? -- That was introduced in 1985. I think June, July 1985. (20)

Not before that? -- Not before that.

So there would be no record of or either in a pocket book or in any other form of what you did during those years until 1985? -- I have got a pocket book of 1985.

But not before that? -- Not before that.

And did you use to fill in S & T forms? -- Not myself.

Who did? -- The Group Commander. He use to do it on behalf of the group. (30)

Did you use to check what he filled in on your behalf? --  
Sometimes we did, sometimes it was not necessary.

Did/...

C78.0128

- 2208 -

MAMASELA

Did you not have to sign for monies that were paid  
out? -- The Group Commander, we entrusted him to do that on our  
behalf.

I see. Do you know for example what your worksheet would  
have reflected about your movements? -- I knew about the worksheet,  
but it was something that did not interest me, because the Group  
Commander's job was that to write and to record where we were. (10)

And you would never have checked it to make sure that what  
was on it was correct? -- No, I did not find it necessary.

Did you know Koos Schutte at Vlakplaas? Sergeant Schutte?  
-- Yes, yes.

Did you ever have anything to do with him in the course of  
your work? -- Not really. He used to fix our cars and he used  
to - his main duty was administration for all I can understand.

Did you ever go on any jobs with him or undertake any task  
with him? -- No, he was not allowed to that. As I have pointed  
out clearly in this Commission that his job was mainly  
administrative. (20)

CHAIRMAN: Yes, but did you ever travel with him? -- No, he was  
not allowed to go out with us.

MR KUNY: Wasn't allowed to or he did not go with you? -- He did  
not go with me. He was always on the farm, taking the interest  
of the farm, looking after the interest of the farm.

But you do not know whether he would go out from time to time?  
-- No from time to time I did not want that, because I had my task  
to do. (30)

And of course, when did you become a sergeant? -- On 1

October/...

C78.0185

- 2209 -

MAMASELA

October 1985.

Before that you were just a ...? -- A constable.

A constable. -- Yes.

And both as a constable and as a sergeant of course you would have to follow strictly the instructions of your superior officers. If you were told to go and do something, you would go and do it? -- If it is legal. (10)

Oh, would you be entitled to question that it wasn't legal? -- Yes, I do question myself.

Such as what? -- Like if in my case or if a person can give me an illegal order and say go and kidnap, not arrest, kidnap that person, I would refuse that on the grounds of it is an illegal order. Somebody can come to me as Joseph Mama-sela today and say go and kill that person. Even a policeman, I will question that because I am a policeman.

And if the instruction is that that person is the enemy, he has to be eliminated or he is dangerous and if you do not get him, he will get you? -- I will refuse to do that still, because our enemies are in jail. We have, the South African Police has a long history for that. The South African Police enemies, the government enemies, they are in jail. I mean it goes without saying. (20)

How did they get into jail? -- They were arrested by the police.

Yes and some of them in the course of arrest might have put up resistance and might have been shot?-- I do not know about that one. I do not commit myself about that one. (30)

And are you saying that you never kidnapped anybody?-- Never,

it is illegal and I will never do it and I repeat even if in future somebody can say go and kidnap that man I will

deny/...

C77.0236

- 2210 -

MAMASELA

deny it and I will refuse. I can rather be fired from the police, because this is not what they told me when they hired me.

And are you suggesting that to your knowledge nobody from Vlakplaas ever kidnapped anybody? -- To the best of my knowledge I knew nothing of kidnappings in that farm.

(10)

Well naturally you would deny and be expected you to deny implicitly that you were ever involved in an illegal act. -- No, if I am involved in an illegal act I will say it. I state it here that I was even arrested for a house-breaking and theft charge.

I will never deny something like that.

If you had been involved in the killing of Mr Mxenge as was testified to by three witnesses we would not have expected you to come to this Commission and admit it? -- No, I will come and admit. If I killed a person and I believe that it was right at the time, I will testify, like I have testified that I have shot and killed a man in self-defence, I will not deny to do that.

(20)

Did you know and ever worked with Jeffrey Bosigo? -- Jeffrey Bosigo?

Yes. -- Yes, I did work with him until 1985.

In what capacity? -- In the same capacity that I have already enlightened in my affidavit that we were looking for insurgents, apprehending them, identifying them.

Would you go out in the field together to various parts of the country? -- Occasionally, yes.

And Brian Ngqulungu? -- Brian, we went to Piet Retief, Eastern Transvaal maybe twice or thrice when I was there, when I was at that farm.

(30)

Also on the same sort of expedition? -- Yes, as a group  
in/...

C78.0301

- 2211 -

MAMASELA

in most cases.

When you went to the Eastern Transvaal did you ever venture into Swaziland? -- No ways, no.

Any members of your group apart from yourself do that? -- No.

Did you know a man called September? -- No, I only heard about him later, when I left that farm like I have said. I requested and got transferred in 1985. (10)

But you had no contact with him at all? -- No.

So while you were in Vlakplaas who were the commanders there? First is was Jan Coetzee in 1982? -- Yes and then came Brigadier Cronjé and then came Major de Kock.

And you worked under all of them? -- I worked under all ... (intervenes)

At one stage or another? -- Yes. (20)

CROSS-EXAMINATION BY MR PRETORIUS: Mr Mamasela have you given evidence in any trials, criminal trials? -- Criminal and poli-tical, yes.

How many? -- Criminal it is one, two. I think criminal is about two or three and political it is one.

Which trial was that? -- Political?

Yes. -- Lilian Keagile.

Any other political trials? -- I beg your pardon?

Any other political trials? -- No, I never testified in ... (intervenes)

Are you sure? -- Hundred per cent sure. (30)

At your office, do you have an office in Pretoria, would you

have a desk from which you work? -- Yes, no. I do not understand.

You say at my office, now I think about an office and then you say where you work you have a desk. I do not

stay/...

C78.0384

- 2212 -

MAMASELA

stay inside the office. I am a field operator, let me just put it that way.

Did you have any documents in your office or where you worked or any police station or any headquarters? -- I have clearly stated  
(10)  
I do not have documents.

None at all? -- None at all.

Not even at police headquarters that you have access to? -- No, I do not have documents.

At your home? -- No.

None whatsoever? -- I do not keep anything that can in-criminate me.

Now since 1981 or let us take the period 1981 first. Have you ever been cautioned or disciplined in the course of your duties? -- No, 1981 I was not even a policeman.

(20)

CHAIRMAN: But now alright since you have been a policeman, since February 1982 have you been the subject of disciplinary proceedings or cautioning? -- By whom?

By the police. -- By the police no.

MR PRETORIUS: In 1981 did they ever have cause to complain about any of your behaviour. -- In 1981 I was not a policeman. I wish to reiterate that fact. I was not a policeman in 1981. I had nothing to do with police duties by then.

No I know that, but in the course of your duties as an informer? -- Yes, then ... (intervenes)

(30)

Did your handlers ever have cause to reprimand you? -- No ways.

Now in 1981 where were you living? -- That is a secret. It is my secret. I do not want to expose members of my family.

CHAIRMAN: Well let us put it this way. Did you live in 1981 at/...

C78.0442

- 2213 -

MAMASELA

at any stage at Vlakplaas? -- No, I was in Soweto.

MR PRETORIUS: You lived in Soweto in 1981? -- Yes.

And you worked with handlers in Krugersdorp? -- Yes.

(10)

Now I presume that during 1981 the place where you lived was kept a secret from anyone but your handlers. You never made, told anybody about that. You have never told any other policeman about that? -- Yes.

And you also, as we understand the system with informers, not ever told anybody that you were in fact an informer being handled by policemen from Krugersdorp? -- Yes.

After that would you have discussed those facts during 1982, 1983 with your colleagues? -- Yes, there are some - you know it is human nature that there are people that you can confide certain things to a certain extent to.

(20)

CHAIRMAN: But the question is, since you joined the police was there any need to protect the fact that you had been an informer or in 1981 was that fact kept secret or was it - that is what ...? -- Yes, it was kept secret.

Was it kept secret? -- It was kept secret.

MR PRETORIUS: And I presume, if that was kept secret so were the details, for example that your handlers were in Krugers-dorp and that is where you would operate? -- Yes.

Can you explain then how Coetzee and Tshikalange would come to have known these facts? -- Like I have said, to be honest I cannot answer that question. I can only speculate and my

(30)

speculation is that it is possible for my handler, by that time Brigadier, Colonel Coetzee to have discussed the matter to have confided to his fellow officer, Dirk Coetzee, about my activities.

It is possible, but that I have told Tshikalange or any other person on my side, it is not pos-

sible/...

C78.0527

- 2214 -

MAMASELA

sible. I would never have done that.

Now after July 1981, or after winter 1981, your identity as an informer have been discovered by the ANC? -- Yes. (10)

And as you emphasized time and again, you were in fear of your life and you still are? -- Yes.

And I presume that you are well aware of the evidence that is presented time and again that it is ANC policy to kill informers? -- Yes, that one I am very much acquainted with, I know they do that, even alleged informers.

So from July 1981, mid 1981 when your identity had been revealed you would have been in fear of your life constantly and you would not have known, well, let us establish that fact first, you would have been constantly in fear of your life? -- yes. (20)

And you would not have known when or where an attempt may be made on your life? -- Yes.

I would have thought then that it would have been important for you to carry a weapon at all times with you to defend yourself in case of need? -- I do not find it necessary to carry a weapon, because that would require a licence and I have no licence to carry a firearm.

Well you had lessons to carry firearms - a licence? -- A licence to carry a firearm.

Well let us just establish first of all that you were in fear of your life? -- Yes. (30)



That you, not only in fear of your life generally, but you knew specifically that an attempt would be made on your life by the ANC after July 1981? -- As a matter of fact, yes.

And you say until you became a policeman you never carried a weapon? -- No.

A/...

C78.0586

- 2215 -

MAMASELA

A firearm. Surely in those circumstances you would have gone to your handler and said I need a weapon to protect myself? (10)

-- Yes, I did make that attempt.

You did? -- Yes.

And what happened, who did you go to? -- Colonel Jan Coetzee, my handler.

Went to him and asked him for a weapon, when? -- I said, 1981, I said now look, this is the position. The ANC is going to look for me and I need a firearm and then he told me that I will have to get a licence to do that. Alternatively I must join the police.

So I had to choose between having just a licenced firearm or joining the police. So I decided it is better for me to join the police, because at least I would have a group of people, colleagues, who can protect me. (20)

Well, I presume that if that was your concern to get a firearm or join the police, you would join the police in quite a hurry.

You would have made very attempt to do it as soon as possible.

-- Yes, but it is not as easy as all that, because it took him a long time, until January 1981 ... February 1982 that he called me in and said now you can become a policeman.

Well let us take it, when did you approach Colonel Coetzee?

-- Late 1981. (30)

Late 19 ...? -- 1981.

Late 1981? -- Yes.

Why did you wait so long?

CHAIRMAN: That is now for the gun?

MR PRETORIUS: That is for the gun? -- Yes. I had no cause to ask for protection because my identity was exposed in 1981, June.

So by August, September I approached for that.

Is that what you call late 1981? -- Yes, late.

Why/...

C78.0644

- 2216 -

(10)

MAMASELA

Why did you wait until August, September? -- I mean, a thing cannot happen today and tomorrow I say give me a gun I want to protect myself.

That is precisely the point. -- No, I could not do that.

Here the ANC had discovered your identity, they knew who you were, you felt you were under danger of imminent assassination. -- The ANC are not as, that invincible as we make them to appear.

Were you prepared to rely on that judgment to walk around without a weapon when you knew you were due to be assassinated?

-- Yes, I have survived. It is now almost ten years, I am still surviving. (20)

Well, I put it to you that it is completely unlikely, firstly that you would have not had a weapon. -- I did not have it and that is a fact.

During the period in 1981 after your identity as an informer had been discovered? - I did not have it and I state that as a fact.

And I put it to you that if you had gone to see Colonel Coetzee, he would not have refused in those circumstances to provide you with a weapon. -- No, he told me he does not have the authority to issue people with guns. He will have to make representations (30)

to his superiors also and then he will come back on me.

You could have got a firearm on that basis that your life was in danger, you could have made an application to a police station. -- I do not know how he put the matter to his superiors, but after two, three weeks, he came back to me and said look, this is the position, you must choose whether you want a licenced firearm, you must make an application which

will/...

C78.0686

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MAMASELA

(10)

will take some time or alternatively ... (intervenes)

Did you make an application? -- I am still talking.

Sorry? -- Alternatively you join the police force and then I decided, I had to choose, I mean the decision was mine and I decided that it is better for me to join the police force because an organisation, a mass organisation like the ANC is looking for me and as an individual with all the guns in the world I could not do them anything. So the best protection that I could get was to join the police force and I did that and I find it logical.

Now in August, September you approached Colonel Coetzee for this firearm? -- September, October. (20)

Is it now September, October? -- Yes, just in between it.

Now September, October you approached Colonel Coetzee for this firearm? -- Yes.

And he said to you no, you must get a licenced firearm or you must join the police? -- I must choose whether I want a licenced firearm or want to join the police.

Why would you have to choose? -- Because my life was in danger, like I put it to him, he is my handler, he is like a father.

He is like my father, he advises me, he gives me advice, so it is up to me to choose which advice is best for me and I chose joining the police force as the best advice. (30)

Surely no intelligent person would say it is a choice between getting a licenced firearm or becoming a policeman, why couldn't you do both? -- Unfortunately, I could not do both.

Why not? -- Even today I do not have a licence to carry a firearm. I do not need one.

But why was it not a choice then? -- I did not feel like having/...

C78.0751

- 2218 -

MAMASELA

having a licenced firearm. I felt what I needed was not a firearm, it was the protection more than a firearm. (10)

So you are saying you did not want a firearm? -- I say the main issue did not revolve around my having a firearm. The main issue revolved around my getting maximum protection.

You just said you went to Colonel Coetzee and asked for a firearm. -- For a firearm, yes.

So you wanted one? -- I needed one.

You needed one. -- Yes.

To protect yourself? -- To protect myself.

Against imminent assassination. -- Yes, but then to be realistic. One has to be realistic. You have got to put into consideration that I cannot fight the ANC as a massive organi-sation alone. I needed protection and a firearm is just an additional factor to the protection that I needed and the pro-tection that I got from the police is maximum and I am satis-fied with the kind of arrangement that I made with Colonel Coetzee. (20)

I do not want to belabour this point much longer, but it is difficult to move on if you will not stick to a particular version.

You wanted a firearm and you went to Coetzee to get a firearem or ask for a firearm in order to protect your life. -- So you want me to subscribe to your mind and I am telling the court what my (30)

position was. I spasmodically(?) distance myself from your thinking.

Alright then we are going to have to go the long way I am afraid. -- No problems.

You wanted a firearm after your identity had been discovered as an informer in 1981. -- I needed one.

And you needed one? -- Yes, I needed one.

And/...

C78.0799

- 2219 -

(10)  
MAMASELA

And you wanted one? -- I needed a firearm.

Did you want one?

CHAIRMAN: Well I think Mr Pretorius, I think it is semantics.

If he needs one, he wants one, so...?

MR PRETORIUS: But what is significant is that the witness will not admit that.

CHAIRMAN: Well then you can argue it afterwards, but I do not think this kind of argument will take me much further.

MR PRETORIUS: You needed one and you went to obtain one. You went to ask Colonel Coetzee? -- I went to request for one, not to obtain one. (20)

In September, October 1981? -- Yes, sir.

Now you joined the police force in February 1982? -- yes.

In the intervening period what did you do about a firearm, obtaining a firearm? -- I left it at the hands of my handler. I had confidence in him that he will help me.

Did you ever carry an unlicensed weapon? -- No.

You see, Coetzee's evidence is that in fact you did have a handgun, it was a Tokarev? -- That is a total lie, it is an absolute lie. (30)

And Dirk Coetzee said that, Captain Coetzee and that you had

in addition to that a letter, a leather-pouch with a letter in that pouch. There was a letter in that pouch from Jan Coetzee in order to protect you in case you were found with it. -- No, it is a lie. I do not think that any police officer can give an informer a Russian-made weapon with a licence to go and shoot people. I do not think it makes any logic.

In 1981 you said that you went to Vlakplaas once or twice under disguise. Is that correct? -- Definitely.

When/...

(10)

C78.0868

- 2220 -

MAMASELA

When did you first discover that Dipale, Keagile and Phoshoko had arrived back in South Africa from Botswana? -- Which year?

1981. -- I cannot be specific, but I remember making that report to Colonel Coetzee when I heard that those people on their way back to South Africa they were arrested somewhere in ....  
(intervenes)

Can you give an idea when in 1981 that would have been? --  
(20)  
It is difficult.

Well, was it the beginning, middle, end? -- I cannot commit myself. It is somewhere in 1981. I mean it is difficult.

Did you establish as a fact that they had arrived back? -- No, I did not established it as a fact. I just reported it. My duty was to report and my handlers, my seniors, my handler will establish whether what I have said is true or not. It was not my prerogative to establish that.

Now what was your reaction when you heard they had arrived back? Did your fear for your life grow stronger? -- Not really.  
(30)  
Why not? -- I cannot fear a woman.

Alright. Perhaps you did not fear the woman, but there were

two men with them. -- Yes well, I mean Mohabe is a small little boy, I know him.

What about Phoshoko? -- Phoshoko is just on the age of Mohabe. They are all still small boys.

These are the people who kidnapped you in Botswana? -- Who participated in the kidnapping.

Alright and did you not fear that they might be out to get you? -- No, not the two of them. I am not afraid of them./...

(10)

C78.0933

- 2221 -

MAMASELA

them.

You had no fear, no fear that they could call on help to do so? -- The two of them in South Africa, no ways.

Could call on help in order to get you. -- If they call on help then it is something else, but as a security measure I did not sleep at one place all the time, during that time.

Yes, I am coming to that, but I put it to you that when you knew that they had arrived back, the very people whom you have been working with as an informer, your fear for your life must have increased, it is logical. -- I have not got time to waste with small little boys. They were small fries. (20)

And it must be that they were out to get you in fact? -- No.

You say they were not? -- They will not get me.

But that was their intention to do so? -- I do not know what was their intention, but they could not get me even if they wanted to.

Are you saying that these ANC members who had returned from Botswana, against whom you have been informing had no interest in getting you, assassinating you? -- Even if they had, but I knew they could not get me. Look, I trained with them, I know their (30)

thinking capability powers. I knew how to, I don't want to disclose my ... (intervenes)

Are you honestly saying to this Commission that Dipale, Phoshoko and Keagile would have had no interest in getting you? -- I do not say they would have no interest. I said even if they would have that interest I were not afraid of them. Even today I am not afraid of them as a matter of fact.

Would you concede that they did have that interest? -- I beg your pardon?

Would/...  
(10)

C78.0995

- 2222 -

MAMASELA

Would you concede that they would have had and did have that interest to get you? -- Yes, but they could not get me. I knew they could not get me.

In fact they and others had got your friend, murdered your friend to your knowledge. -- Not they, the ANC, the real ANC people.

They were just crash courses like myself, so I am not afraid of a crash course.

(20)

You do not think that they would have used other people? -- They could have, but they would not get me like I have seen today.

I have survived for ten years, I am still surviving.

You have no fears, you had no fears then? -- I have no fears.

Why don't you want your photograph published? -- No, the fear that I have against the photograph is for that of my children, my family. I do not have a fear as an individual, as a policeman.

I mean I am put to all kinds of danger.

Well I put it to you it is highly improbable when they returned to South Africa that you would not have feared for your life at their hands. -- I were not afraid of them, even if I feared for my life I was not afraid of them. I knew they would never get

(30)



me. I took precautionary measures of which I am taking even this day. I live on my wits.

You see Tshikalange gave evidence before this Commission and he says at page 54, in the meantime while he was staying at Soweto he say there is a certain stage where there was a problem. I do not know whether he said people wanted to kill him and all that jazz, so he came to Vlakplaas. -- Tshikalange was just a garden-boy.

He is not a policeman, that boy. So with due respect ...

(intervenes)

CHAIRMAN: /...  
(10)

C78.1060

- 2223 -

MAMASELA

CHAIRMAN: I am not just, because I think my recollection is that in the light of Dirk Coetzee's evidence, that was dated as 1982 and not 1981.

MR PRETORIUS: No, Tshikalange said 1981 and I am putting ...

(intervenes)

CHAIRMAN: Yes, but Dirk Coetzee said it was 1982.

MR PRETORIUS: Coetzee would not ... (intervenes)

(20)

CHAIRMAN: Well Coetzee said it wasn't during 1981. But then I think the witness is entitled to both versions.

MR PRETORIUS: Yes, I will come to that later. It is possible on that score that Coetzee was wrong.

CHAIRMAN: It is possible that Tshikalange was wrong.

MR PRETORIUS: Yes, but.... (intervenes)

CHAIRMAN: So, it does not take me much further.

MR PRETORIUS: Give me a chance Mr Chairman, I will come to that in a moment. I first want to deal with 1981, I will come back to 1982. Tshikalange says that there was a stage in 1981 where you feared for your life. -- Like I said that man is just a garden-boy. He has no intelligence to come and tell I feared for

(30)

my life.

Would you like to answer the question rather than talk about Tshikalange? -- Well, I do not know how to answer it.

Well did you fear ... ? -- I do not respect that man's intelligence and thinking.

Is that statement correct or incorrect? -- Absolutely incorrect.

You never feared for your life in 1981?

CHAIRMAN: No, the point is did you in 1981 go to Vlakplaas or stay at Vlakplaas because you feared for your life? -- I never (10)  
stayed at Vlakplaas during 1981. Even after, I never became  
a/...

C78.1111

- 2224 -

MAMASELA

a resident of Vlakplaas. In 1981 or at any other stage I never became a resident. I had a family, I am a family man.

No-no this is now, the question is, it is not whether you became a resident. The question is whether you stayed on occasion, occasionally at Vlakplaas. That is really the point. -- No. No I did not. (20)

MR PRETORIUS: Well, I put it to you, it is quite logical and reasonable to accept that you feared for your life in 1981 and that when Dipale and Keagile and Phoshoko came back to South Africa that fear would have been increased. -- My fear cannot be increased by a woman. I have said it on several times in this Commission. I do not know how to say it again.

And further I want to put it to you that it is logical that you would have then gone to your handler and said these people are back, I fear for my life, what can I do? -- No, I did not do that. (30)

You would never have done anything like that? -- I went to my handlers to report that these people were arrested while coming

in, not that I fear for my life that they are coming for me. The information I got was those people were arrested on their way to South Africa.

What about the life of your wife and child at that stage?  
-- No, I was not married by then, 1981.

When were you married? -- In 1982.

Did you have a child in 1981? -- In 1982. In 1981 I had a child, yes.

Now what about the life of your child in 1981? -- My wife was staying at her place and I was staying at a secret place. (10)  
Yes, but what about the life of your child, didn't you fear for that? -- Well their lives were not at stake, because  
the/...

C78.1160

- 2225 -

MAMASELA

the ANC knew where I stayed and the ANC were looking for me specifically at that time, but now as a family man, I mean as a family man I stay with my family in one house. If the ANC wants to get me they are going to get even my family. That is what I fear at the moment. Not at that time. At that time I was living (20)  
alone and my wife-to-be was staying at her parents home alone.

So there was no risk factor. Today I am a risk factor because I live with my family.

How long have you known your wife-to-be? -- As long as I can remember. It is quite a long time.

And before that you had known Dipale, Keagile for a long time?  
-- Dipale Keagile?

Dipale and Keagile for a long time? -- Not for so much, not for so long.

For at least ...? -- I knew them for two, three years. (30)  
Before you went to Botswana. You knew them in Soweto. --  
No, I knew them in Botswana. I never knew them here in Soweto.

Are you sure? -- Hundred per cent sure.

You never knew Dipale in Soweto? -- No, the first time I met them was in Botswana.

Phoshoko? -- Phoshoko, the first time I met him was in Botswana.

Keagile? -- The first time I met her was in Botswana.

Are you very sure of that? -- Hundred per cent sure.

Well why did you say a moment ago that for three or so years before that you had known him? -- Why did I ...?

Why did you mention a period of three years? -- Yes, that is 1980, 1981. I said for a period of two, three years. 1980, 1981. (10)

Well/...

C78.1234

- 2226 -

MAMASELA

Well it seems to me that at that time you must have had a fear at least for your wife and child. -- Like I said they were ... (intervenes)

Or your wife-to-be and child. -- They were safe. They were very, they were relatively safe at my wife's place and I was living on my wits alone. I was not a risk factor in their lives, because I did not stay with them permanently. (20)

You visited them? -- I visited them occasionally. If the ANC kills people because you visit them, South Africa will never be having people like you.

You see, I just find it very strange that you say that in 1981, immediately after you had been found out to be an in-former that you would have not feared for the safety of your wife-to-be and child. I find that strange. -- They were safe. To my best knowledge they were safe and I knew they were safe, they were not involved in my activities and as a result I was not a risk factor. (30)

I was the only risk factor who could jeopardise their lives if I stayed with them, but if I stayed separately with them there was no way that they would become en-dangered.

And that would have been perfectly logical in those circumstances to take your wife and child to Vlakplaas for a while in 1981. -- No, there was absolutely no reason for me to do that.

If only you know that Vlakplaas. You cannot even take your wife there. It is not a place, it is not a place to bring your children there.

How old was your child? -- One year by then. He was even (10)  
hardly a year because he was born on 28 August 1981. So he was a toddler.

After July 1981 why was it necessary to keep your imperative/..  
identity/...

C78.1301

- 2227 -

MAMASELA

identity as an informer secret from other policeman? -- It was imperitive, because I was still operating inside the country and outside the country. At that time my identity was exposed externally, but internally it was not exposed.

(20)

You were working externally as well? -- Yes.

As an informer. -- As in informer. Now my identity was exposed externally, but internally it remained intact.

Did you not assume that the external ANC would notify the internal ANC? -- Even if they could, some of the ANC members did not know me. It is only a handful who knows me that I schooled with like Rola, Joyce, Dipale, Twala and the other, but the rest of the ANC, even until this day they do not know me. They know about my name, but they do not know me and that is a fact.

If you would just give me a moment Mr Chairman, I need some (30)  
records. Did you ever know a person Kgadishoba? -- No.

Never? -- Never.

And you have now said in evidence that Mohabe, Dipale, Keagile and Phoshoko, you did not know in Soweto before you went to Botswana in 1981? -- Yes, my first contact was in Botswana with them.

You see I will check the record over the luncheon adjournment, but I want to put it to you that you did in fact know them fairly well before you went to Botswana. You knew them in Soweto. -- No, I did not know them.

All three of them? -- Yes, there is a newspaper statement.

When Lilian Keagile was released she said it in her statement that a certain man in Botswana, that she knew, who she contacted in Botswana that she thought who was an ANC member sold her out. (10)

She stated that categorically that we,

the/...

C78.1405

- 2228 -

MAMASELA

the first time she met me was in Botswana.

There has been evidence to suggest that on 12 October 1981, Ernest Mohabe Dipale was kidnapped by Nofemela? -- I do not know that one.

You do not know anything about it? -- No.

I do not suppose you can deny it? -- I categorically deny that I was involved. Whether Nofemela did kidnap him is of little or no importance to me. I do not know that one. (20)

We will come to that in a moment. But assuming for the moment that Nofemela did kidnap Mohabe Dipale on 12 October, do you accept that he would have needed help, he could not have performed such an act on his own? -- It is difficult for me to answer that one, because I am not Nofemela.

Why is it difficult to answer? -- I cannot answer on behalf of somebody. I cannot answer on behalf of him, Nofemela is available. You can ask him that question. (30)

Would you kidnap anybody on your own? -- I am not trained

in the art of kidnapping. I do not know how to kidnap.

Would you arrest anybody on your own? -- Yes, I did, that man I have mentioned that who drove and who killed people with the car, I arrested him alone. I was even on leave.

Would you arrest an ANC insurgent on your own? -- Yes.

No problem? -- No problems. There are other incidents where I arrested individuals.

I must put it to you that that is totally an improbable answer. -- Mr Chairman, I want to put it on record that there is an incident of one of the Vlakplaas Askari's who arrested a train tourist in Brits, alone, he hit him with a bottle and he arrested him. That is a fact. (general laughter). (10)

Are you seriously saying to this Commission that you would/...

C78.1471

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MAMASELA

would be quite relaxed about going to arrest an ANC insurgent on your own without assistance? -- I will just have to assess the situation. If the situation warrants me, if the situation is on my favour, I will do that. (20)

If you had a choice? -- If, if according to my assessment I see that there is a danger here, I can rather call someone, help, but where the situation allows me to apprehend him, I will do that.

But there is always a danger in arresting an ANC insurgent.

CHAIRMAN: Yes, Mr Pretorius, I understand your point. -- I put it to this court that one insurgent was arrested in Brits by lone Askari, unarmed Askari.

MR PRETORIUS: Now according to your evidence you would not know, you would not have know where Dipale lived at that time. Is that correct? -- At that time, before I met him, when I met him in Botswana I could have known, because the ANC made contact between, among us and then after that they gave us addresses, we gave one (30)

another our addresses and then we kept on moving as I have said.

When did you first see his house in Soweto? When did you see his house for the first time in Soweto? -- In 1980.

1980?-- 1980 yes.

So you knew in 1981 where he lived? -- I was well-known by then by him and his family.

Right and do you know of any other informer or policeman that would have known him so well? -- To the best of my recollection I do not know of anyone.

Right. Certainly there were no other informer there to your knowledge in that group in Botswana in 1980, 1981 was that?/... (10)

C78.1552

- 2230 -

MAMASELA

that? -- No, except my handler who knew everything about my movements.

No, I am talking about another informer in Botswana?

-- No, I do not know of.

Well, wouldn't you have been the obvious choice to help Nofemela? -- No. (20)

If indeed he did kidnap them? -- There was no way that I could help Nofemela. He was a policeman here, he had access to all secret documents that he was working with. He did not need me as an informer to help him.

Where would he have found out where he lived, where Dipale lived? -- If you report about somebody, your officers check the particulars of the person. I do not know what they do with that document and how they are going to make use of the information that you give them. So it is a difficult question for me, I will never know. (30)

That is the point, you were the informant. -- Yes.



You were the person who gave through Jan Coetzee all the information. -- The information definitely, but how he uses that information I was not concerned.

Now did you know in 1981 that Colonel Coetzee was looking for Dipale? -- Yes, I knew.

When did you know that for the first time, can you remember? -- After I have reported my kidnap to him then he gave me this specific instruction to look for them if they come back. If I get information that they are back I must report to him and that is precisely what I did.

You did in fact go looking for them? -- No, I was just looking for them around in Soweto. In corners where I know they like to frequent.

(10)

On/...

C78.1622

- 2231 -

MAMASELA

On your own? -- Yes, on my own as usual.

Not with any others? -- No.

So in 1981 and certainly in October 1981 you must have been scouting Soweto looking for Dipale? -- No, what I know is I reported to Colonel Coetzee about Dipale and Phoshoko being arrested on their way coming to South Africa, somewhere in Zeerust like and then I do not know what he did with that information.

(20)

How did you find out about that? -- Like I said, I used to move around and meet contacts there, their friends there, where these people used to frequent and there is - it does not matter - there is a garage - I am telling you now my secrets, there is a garage in Soweto where Dipale used to frequent with his friends and they knew me that I am his friend. So one of the people there told me that he got the information that, from the mother of Dipale, that he is arrested somewhere in Zeerust, he is locked up there and then I took this information and passed it over to Colonel

(30)

Coetzee.

Let us take it step-by-step. First of all you talk about a garage, where a mechanic would work in Soweto. -- Yes, it is a petrol garage and then he was a good mechanic. He used to help the owner of that garage, so he was well-known.

So you knew about that? -- I knew about that.

That would have been an obvious place to look for Dipale?  
-- Yes.

Then you said you learned from the mother or through the mother ...? -- Not from the mother. I learned from a source who told me that Dipale's mother told them that Dipale is arrested, because they stay near him. (10)

CHAIRMAN: Was arrested? -- He was arrested somewhere in Zeerust/...

C78.1690 - 2232 - MAMASELA

Zeerust on his way to South Africa from Botswana.

MR PRETORIUS: By whom? -- I do not know. He said he was arrested and he is in jail in one of the police stations in Zeerust. This is the information that I gave Colonel Coetzee. (20)

I would like you to try and remember as closely as possible, what information did you give to Colonel Coetzee about that arrest?

-- I just told him the way I am telling you, because it is how I got the information.

Is that all? -- Yes.

That they were arrested at Zeerust coming into South Africa?  
-- Somewhere near Zeerust when coming to South Africa from Botswana.

And is that the only information that you gave to Coetzee?  
-- Yes, at that stage, yes.

And what was Colonel Coetzee's reaction then? -- No, he took the particulars of Phoshoko and Dipale and then he said no he will (30)

establish whether it is true.

He would establish whether it was in fact true? -- Yes and he did come back to me and said yes, you were correct. They were users with the names, but the police found them out and they were arrested.

So it was clear from your conversation with Coetzee that when you gave him that information he did not know it? -- Yes, it was abundantly clear.

It was news to him? -- Yes, it was crystally clear.

Now you were also looking for Gilbert Phoshoko at the time weren't you? -- Yes. (10)

What were his instructions to you, just to look for them? -- Look for them, identify them and report immediately.

For/...

C78.1748

- 2233 -

MAMASELA

For what purpose? -- I did not know.

Did he not say what you were to do when you found them in connection with any attempt to arrest, report to a police station and have them arrested? -- No, he never gave me those instructions himself. (20)

Now you were in fact later identified, it is hearsay, as having kidnapped Dipale? -- That is a lie. All the family of Mohabe they knew me, of Dipale, they knew me. If I were in-volved in that foolhardy act they will have gone to the police and say Joseph Mamasela kidnapped our child, as a matter of fact.

Well, it did happen that you were identified and nothing happened as a result? -- No, I was never, never, never, never identified about those things. (30)

And that is precisely why I put it to you that you would have made sure that you did not kidnap Dipale at his home, but at the

home of someone who did not know you, namely Kgadishoba? -- No, that is a lie, that is an absolute lie.

Kgadishoba would not have known you. -- In and around Mohabe's place, they knew me. I used to drive around with my car there to fetch Mohabe, we used to travel together. I was known even by his close acquaintances, they knew me.

You did not know Kgadishoba though? -- No, I do not know that name.

You do not know the person, obviously? -- I may know the person, but that name I do not know.

And that is why you went to the house of someone you did not know and assumed didn't know you when you kidnapped him?

-- It is a lie. I cannot kidnap. I told this court that even as a policeman I will never kidnap a person because it is

patently/...

C78.1840

- 2234 -

MAMASELA

patently an illegal act. I will never do that.

Now do you know that you were referred to as "Source WK465"? -- Yes, I know that one very well.

And we have established now that you were watching over Dipale and Phoshoko over the period that they were kidnapped. -- And Lilian Keagile

Lilian Keagile as well, over the period they were kidnapped in October.

CHAIRMAN: No, were they kidnapped?

MR PRETORIUS: Well Phoshoko was and I will come to that.

CHAIRMAN: No, I did not know.

MR PRETORIUS: Yes, we have got a statement and I will be presenting it in affidavit form.

CHAIRMAN: Mr Pretorius, whilst you are on that, I did request and I still believe it is correct in the Commission that the

(30)

Commission must know what evidence people wish to present in due time and as I have said before I think it is only fair that the so-called accused must know more or less what the state case is in advance.

MR PRETORIUS: I accept that Mr Chairman.

CHAIRMAN: And if that does not happen I will have to reconsider the whole position of how I had conducted this matter. In any event I will take the adjournment.

MR PRETORIUS: May I just put on record Mr Chairman, that every effort has been and is being made to obtain that, but in the nature of things it is very difficult. (10)

CHAIRMAN: Yes, I appreciate that, but I just think that we must know at least in advance of such facts.

THE COMMISSION ADJOURNS FOR LUNCH.

C79

- 2235 -

MAMASELA

THE COMMISSION RESUMES AFTER LUNCH.

(20)

JOSEPH TSEPO MAMASELA still under oath

FURTHER CROSS-EXAMINATION BY MR PRETORIUS: Mr Mamasela, I cannot recall the evidence you gave before the long adjournment. You did say, I recall, that during your time as a policeman you were never subject to any inquiry or complaint, do I recollect correctly? -- Yes, that is so.

And I also seem to recollect but correct me if I am wrong, that you said in answer to a question either by Adv. Kuny or myself, that apart from the charge of robbery that was levelled against you, you had never been convicted of any offence, is that correct?

(30)

-- House-breaking.

Have you ever been convicted of any offence? -- In court?

Yes. -- No.

Have you ever been charged with any offence? In court.

-- Which offence?

Any offence. -- Yes, I was charged in Piet Retief.

With what? -- With, I think it was assault, and then I was charged in 1977 ... (intervenes)

Well, let us deal with the Piet Retief assault first. In what year was that? -- That was in 1980.. if I am not mistaken, it was three or four.

You were charged with assault. What happened to that case?

-- I got discharged.

Was there evidence led at a court case? -- Yes.

And you were discharged, found not guilty and discharged?

-- Definitely.

And was that arising out of your duties? -- Yes.

As a policeman. -- Yes.

You do not think it would have been fair to the

commission/..

c79.2

- 2236 -

MAMASELA

(20)

commission to mention that when I asked you the question as to whether you were ever subject to any inquiry as a result of your duties in the police force? --No.

You do not think it would have been fair just to mention that in that answer? -- Ja, I thought you said depart- mentally, in the police force, because you mentioned the police force.

No, I take your point, but can you give me any other occasion when you were charged with an offence? -- I think that is all, to the best of my recollection.

That is all? -- Ja.

(30)

You say that in the Piet Retief matter you were charged only with assault, is that correct? -- Ja, I think it was assault.

You think? -- Ja, I said it was assault if I am not mistaken.  
Are you sure? -- Yes, it was assault.

Well, we have here, I think, what must be your personal file,  
and from documentation in your file it appears that you were charged  
in the regional court at Ermelo during 1983 with robbery. -- It  
is false.

Is that false? -- Ja, I have never been charged in Ermelo.

Well, leave aside Ermelo, anywhere? -- No, I have never been  
charged with robbery.

Never been charged with robbery? -- No, it is false.

(10)

Is that a false, total lie? -- No, it is false.

CHAIRMAN: What was the result?

MR PRETORIUS: It seems as if this was in Piet Retief. -- Ja, that  
one I recall, not Ermelo.

You recall/..

C79.3

- 2237 -

MAMASELA

You recall now being charged with robbery? -- No, it is not  
robbery. It was assault and I was found not guilty and discharged.

I will return to this file later. In the meanwhile can we  
just go back to the Dipale matter. You said before lunch that  
you were indeed source WK465. -- That is absolutely correct.

(20)

Now, when you were scouting Soweto, looking for Dipale and  
for Phoshoko on Coetzee's orders, what vehicle did you use? --

In 1981 I was driving the blue Valiant.

Any other vehicle perhaps? -- Not to the best of my  
recollection.

Was that your own private car? -- No, it was a state vehicle.

State vehicle? -- Yes.

And would you have worn any form of disguise or attempted  
to cover your face in any way or would you have just gone as you  
are? -- No, I gone as I am. I had no ... (intervenes)

(30)

Did you ever wear a hat? -- No.

Sun-glasses? -- No.

Never? -- No.

You were happy to just go around the area without any form of covering for your face at all? -- Yes. I had no business to disguise myself.

And according to an annexure to Colonel Coetzee's affidavit which will be handed in as an exhibit, a letter, telex was sent in which it was said that on or before 12 October "Jy het hierdie mense in Soweto opgemerk". The word "opgemerk" is used, did you actually see them in Soweto? -- Which people? (10)

Keagile, Dipale and Phoshoko. -- In Soweto?

Yes/..

C79.6

- 2238 -

MAMASELA

Yes. -- Ek kan nie onthou nie. I cannot remember it.

You were ordered by Coetzee to go and find them. -- To look for them.

And you did look for them. -- I did look for them.

And according to this letter you reported back that you had seen them - "Jy het hulle in Soweto opgemerk", is that wrong, incorrect? -- No, I do not think - I cannot remember that. All I remember is I gave the colonel the information to the effect that Ernest Dipale and Gilbert Phoshoko were arrested somewhere around Zeerust, on their way to South Africa and that one I ... (intervenies) (20)

Before that, didn't you say that you had given Coetzee information that they had in fact returned to Soweto? -- I might have, but I do not recollect it.

Well, that is what you said in evidence. -- No, I never said it in evidence. (30)

CHAIRMAN: No, he did not say that in evidence.



MR PRETORIUS: As I recall, Mr Chairman, he said in evidence ...  
(intervenes)

CHAIRMAN: No, I was quite clearly of the impression that there was - you and the witness were all along at cross-purposes. He said that he knew that they had returned and he gave that information and he was always linking it to what had happened. They were on their way, as he put it.

MR PRETORIUS: But that as I understand it is what I am putting to the witness now and as I understand the evidence in fact - I do not believe I am confused on that. As I understand what you said before lunch was that you had learned, you had heard that they had returned to Soweto and you passed that information on. -- No, you are mistaken. (10)

What did/..

C79.7

- 2239 -

MAMASELA

What did you say before lunch? -- Because my, if you want to quote me verbatim I stated in this commission clearly that I heard from a certain young man who was working at the garage that Dipale's mother told him that Dipale is arrested once they were from Botswana to Soweto, that they were arrested and they were locked up somewhere in Zeerust. This is what I have said. (20)

And besides that, have you given Coetzee any information about their return to Soweto? -- I cannot - to the best of my recollection I cannot remember that one.

All right, we can always check the record on that. I do not need to take that any further, but what this telex says is that you had taken note of them in Soweto and that you had also established that they were not sleeping at their houses. -- Not to the best of my recollection.

Well, is that wrong or .. -- I do not recall making that report. (30)

Surely if you had seen them in Soweto and you had gone to

the trouble of finding out that they were not sleeping in their houses you would remember? -- I would report, but I cannot remember if I did make such a report.

What I am putting to you now is that if that had happen you would now remember it. -- No, I do not remember seeing that. I am sorry.

Well, as a result of this a telex was sent out to various people by your handler, Colonel Coetzee and he says in that that you have reported to him that you had noted these people in Soweto and you had established they were not sleeping over- night in their houses. -- Well, I do not know about that one. Well ... (intervenes) (10)

But you/..

C79.8

- 2240 -

MAMASELA

But you do remember looking for them at that time? -- Yes, and I do remember reporting positively to the effect that the source said they were arrested somewhere in Zeerust. This is all I can recollect.

And that you passed on to .. -- Yes, definitely.

And you also said before lunch that one of the clues that you had in your search was that a mechanic's house or mechanic's place was involved or garage was involved. -- The garage where Moabi used to do some part-time mechanics there. (20)

Now, in 1981 where in Soweto did your family live? -- I cannot disclose that.

Was it Mafalo? -- I cannot disclose that.

Well, is there any reason you cannot disclose it? -- Yes, my family still stays there.

Now, unfortunately I do not have this in affidavit form and it must still be put in affidavit form, but we have information from one Gilbert Phoshoko whom you say was one of the persons you came across in the ANC in Botswana. -- Definitely. (30)

Now, he says on Sunday, 11 October, he was in Dube, Soweto.

MR McNALLY: Which year?

MR Pretorius: 1981 and he says that while he was there in Sammon Street, do you know Sammon Street, Dube? -- I do not know that name.

You do not know Sammon Street? -- Hm-hm.

Do you know a person called Oupa Molefe? -- No.

In the event while they were there a Combi travelled past where they were sitting and two black persons came towards him and his friend, Oupa Molefe, and he says he started walking down the road, or they started walking down the road (10)

accompanying/..

C79.10

- 2241 -

MAMASEAL

accompanying Gilbert Phoshoko and one of the persons who confronted him asked for the address of a motor mechanic who stayed in that street or the next. Now, this garage, do you know where it is? -- Yes, I know where it is.

That you talk about, is it near Sammon Street? -- No, it is in Mofolo, Mofolo South.

(20)

Is that near Dube? -- No, it is far from Dube, Mofolo South is far from Dube.

In the event whilst this conversation was taking place the Combi that had earlier passed arrived and you were ordered into the Combi at gunpoint. -- Myself?

Sorry, Phoshoko was ordered into the Combi at gunpoint and you were one of the persons who did that. -- That is a total lie. It is ridiculous.

And he identified you as the driver of the Combi. -- No, that is ridiculous.

(30)

Well, I am not going to go in detail through it but I must put it to you that he says that he was taken to various places

and assaulted, questioned. -- I am not for that idea. I totally reject that. There is nothing like that.

And that in fact you accused him and Moabi of going to Mofolo to threaten your mother, brothers and sisters. -- It is lies. He was arrested and Moabi - where did Moabi now feature in suddenly? It is lies. You can see for yourself it is lies.

Tell me, if your family, your mother, brothers and sisters, had been threatened at their house, you would then have moved them out of that house to another place, wouldn't you? -- I would have informed my superiors, they would have made a final decision.

You would have informed Coetzee. -- Yes, and he will make final/.. (10)

C79.10

- 2242 -

MAMASELA

final decision.

And Coetzee would presumably have assisted you in finding a place for those people to stay. -- Precisely.

In any event, he says at one of the places that he was taken to he saw Moabi who had been heavily assaulted, he could see that Moabi had been heavily assaulted. -- I do not want to involve myself with those lies. (20)

And that he was .. -- I distance myself from that.

Sorry, and that he was questioned especially about what Botswana. -- No, those are lies. If they include me, it is lies, then they know that they are lying.

You are a Roman Catholic, are you? -- Yes, I was.

You presumably know the Our Father? -- I was a Roman Catholic but now I am not.

But do you know the prayer Our Father, the Lord's prayer.

CHAIRMAN: I think it is not only Roman Catholics who know it. (30)  
MR PRETORIUS: Do you know that prayer? -- I presume everybody knows it.

You see, because Captain Dirk Coetzee gave evidence that you at one stage assaulted, I think it was Vusi - do you remember a person by the name of Vusi? -- I do not know that person.

You do not know a person by the name of Vusi? -- I have never met such a person.

You have never met such a person? -- Never.

If you will just bear with me a moment.

(?): Is there some connection between Vusi and the Lord's prayer?

CHAIRMAN: No, the evidence was that this witness assaulted Vusi  
(10)  
and told him to - taught him the Lord's prayer

simultaneously/..

C79.11

- 2243 -

MAMASELA

simultaneously. I think that is the relationship. -- It is absolutely incorrect. I deny that categorically. I do not know that said Vusi at all. I never met him.

MR PRETORIUS: You said in your affidavit that after the attack on Voortrekkerhoogte you went to Vlakplaas on one or two occasions. -- It was prior to that.

(20)

Prior to the attack? -- I want to believe it was prior to the attack of Voortrekkerhoogte I went there because - I can elaborate if you want me to elaborate.

Well, you went there for identification purposes. -- Ja, to tell the truth, Colonel Coetzee, I informed him that the ANC insurgents were planning an assault on Voortrekkerhoogte and they were going to use a sort of a motor by the name of Grapeer and then they explain to me how this thing works and I have never seen it before in my life and then I informed him that they said that this thing works like this and this and this and then he said -

(30)

and then I said they requested that I should try and get a truck, main diesel truck, these big trucks for them so that they can

smuggle this motor inside the country and they are going to use it at Voortrekkerhoogte and that is where the problem of the missile came in because he did not at the stage understand what is Grapeer and myself I did not even know what is Grapeer and then for identification purposes he took me, he said he was going to take me to a certain farm where the Askari's live and he is going to verify my statement to them so that he can get an idea more or less what is this Grapeer. I think that is the reason why we went there.

But who did you have to identify or what did you have to identify? -- To identify this Grapeer, what sort of motor is it, how/.. (10)

C79.12

- 2244 -

MAMASELA

it, how it works because it was the first time he told me that he heard about this Grapeer, so the people who are acquainted with it are Askari's that are stationed at a certain farm in Pretoria and then he advised me to disguise myself and these people must not see me at all. So this is the occasion that I am talking about and that attack did take place as I have warned them two months or three months before. (20)

You have already said in your evidence that you had knowledge of certain residences of ANC members in Botswana, is that correct? -- It is hundred percent correct.

And that these were the Dipale, Phoshoko and Keagile group. -- Yes, I know that.

Was Joyce Dipale one of them? -- Yes, she was one of them. You were at school with her, is that correct? -- No.

Did you know her? -- Yes, while I was at school with the husband of Joyce Dipale, not Joyce Dipale. (30)

Now, we will attempt to get this on affidavit but our information is that the Botswana raid, you know about the Botswana

raid, do you? -- No, I do know what the Botswana ..

You do not know anything about it. It has been discussed in consultations with your legal advisers. -- No, they were talking about cross-border raids, they did not speak actually about the Botswana raid.

They never mentioned the Botswana raid to you in consultation? -- No, they said the cross-border raids.

They never mentioned to you that Coetzee had actually said that you were a member of a party that went on a raid in Botswana.

-- No, that I should have included in my affidavit.

(10)

CHAIRMAN: No, let us be more specific. The evidence is that you and/..

C79.15

- 2245 -

MAMASELA

you and Coetzee and Nofemela and some others were involved in a raid into Botswana in the second half of 1981 during which Joyce Dipale was shot. -- Thank you very much, Mr Chairman, I deny this vehemently. As a matter of fact I stated that I do not even know of the existence of Coetzee before 1982, even Almond.

Yes, but I think what Mr Pretorius wants to know is, forget now for a moment Coetzee and Nofemela, you knew where Joyce Dipale lived in Botswana. -- Yes.

(20)

You knew her house. -- Yes.

There was apparently an attack on her in Botswana. Were you in any sense involved in that by giving the information for instance? -- There are certain things that I want to be clarified of because they were talking about the house and the identity of the residence of Joyce Dipale that I know of was a flat, Okavango Flats number 7, those were flats, no. 7, not a house.

MR PRETORIUS: Well, let us not be so particular. Let us talk about a residence. You knew where these people lived. -- Ja.

(30)

And you knew who lived in the various places. -- The Okavango

Flats, yes, I knew.

You knew more or less which groups existed as ANC groups in Botswana. -- Yes, more or less.

And you passed this information on to your handler. -- Definitely.

And then you were instructed in October by your handler to go and look for Dipale, Keagile and Phoshoko in Soweto. -- Around Soweto, everywhere, where I can find them.

In and around Soweto. -- Yes.

And you did that? -- I did specifically that.

(10)  
Followed up/..

C79.18

- 2246 -

MAMASELA

Followed up such clues as you had. -- Yes.

CHAIRMAN: Could I just have the date of the Dipale raid?

MR PRETORIUS: Between 14 and 16 October. I will come to that.

You mentioned, I think, also in evidence that Coetzee to a certain extent regarded Dipale as his responsibility, is that correct?

What did you understand Colonel Coetzee's responsibilities at that time to be? -- I do not understand the question. He regarded Dipale as his responsibility? I do not understand that. (20)

Well, in the sense that it was his responsibility to trace and track them down and have them arrested. -- Not have them arrested. Track them down and inform him. I never have powers to arrest people as an informer.

Now, but Coetzee would arrange for that to be done. Did you understand that? -- Presumably.

To get back to where I was, you were in Soweto around, during October looking for Phoshoko, Keagile and Dipale. -- Yes.

And as I said you followed up such clues as you could to find them. -- Yes. (30)

Now, Colonel Coetzee says in his affidavit that you actually



reported back to him that you had seen them in Soweto. -- No, I have said before that I do not recollect that.

All right, you do not recollect that. -- I do not re- collect that. It might be possible, but I do not - to the best of my recollection I do not remember that.

We also have evidence before this commission that Nofemela at that time actually kidnapped Dipale with your assistance. -- I do not know of that one.

You deny/..

C79.19

- 2247 -

(10)  
MAMASELA

You deny that? -- I vehemently deny it.

And that the reason he was kidnapped was in order to get information concerning ANC people, including Joyce Dipale, in Botswana. -- No, that is a lie, because I already had that information, how can I want it from somebody else?

That is precisely the point. Shortly after his kidnap the Botswana raid took place. -- No, I deny that vehemently.

Within days in fact. -- I spasmodically beg to distance myself from that kind of situation. I do not know it.

And I must put it to you that it strikes us that there is no person more suited to accompany the raiders than you yourself. -- No, no, no, I deny that vehemently.

You knew the people. -- I emphatically deny that. I was never involved in any raid whatsoever.

You knew the people in the area well and you were used to crossing the border. -- As a matter of fact I never received training to that effect, to cross - to effect border raids.

But you did cross the border on several occasions illegally. -- Illegally, yes, for the - just obtain infor- mation and come out again. Not for the purpose of raiding.

In fact after the raid that Dipale was then arrested on the

(30)

road. -- Dipale?

Yes.

CHAIRMAN: No, Moabi.

MR PRETORIUS: Moabi Dipale. -- I do not understand. Really, I deny that. It just does not sound correct to me.

Well, you yourself found out that he was in fact arrested, that was around 20 October, that was after the Bots- wana raid. -- Yes, that I heard from the source who heard from the mother, the one that I have reported.

And /..  
(10)

C79.20

- 2248 -

MAMASELA

And he was arrested a long way away from Soweto. -- Ja, they said somewhere around Zeerust, I do not know where.

And in fact the evidence is that it was precisely in the vicinity of Zeerust that Moabi Dipale was in fact interrogated. -- No, I steadfastly distance myself from those horrible and horrendous allegations. I know nothing about that.

Let me ask you a question that we have asked you several times but put it another way, how many times can you remember assaulting someone? -- It was Nofemela. I stole my money and I beat him for that, and it was that bully who shot at me, sho was bullying my neighbours. I gave him a comprehensive hiding for that and - I think that is all, two. (20)

Is that all? -- Yes, that is all, and the alleged assault in Piet Retief which was not proved.

Was any charge of assault ever laid against you, complaint in relation to any other assault? -- Yes, in Piet Retief there was one.

Any other? -- I think in 197.. I think it was in '75 - but (30)  
any rate, I think in 1972 there was a charge or alleged assault because I slapped somebody, a member of the family when she made

me cross.

In 1972? -- Probably.

What member of the family? -- It is my uncle's wife.

A distant member? -- A distant member of the family.

Now, can you remember her name? -- Louisa Mamasela, something like that.

I want to put it to you that you were known as a person who would, when necessary, assault people and do it very comprehensively, to use your own terms. -- When people deserve it

I will/..  
(10)

C79.22

- 2249 -

MAMASELA

I will do it. Only when they deserve it.

Now, you see there is a letter in your file on a South African Police letter-head dated 9 September 1983 where an allegation of assault was made against you, that you assaulted a black woman, Agnus Mamasela. -- Wie? I beg your pardon.

Agnus Mamasela. -- It might be that Louisa's name, other name.

This was in 1983. Do you remember any such charge being laid against you? -- Yes, I remember, but it was an alleged assault and I was found ... (intervenes)  
(20)

What is your wife's name?

CHAIRMAN: Is this the one ... (intervenes) -- I beg you pardon?

You spoke of something which happened in 1973 where you hit a woman. -- 1972, that was a distant relative.

It is not this - it is not Agnus? -- No, no, that is Louisa.

Who is Agnus? -- Agnus was my wife.

MR PRETORIUS: Why didn't you tell us that? -- No, you did not ask me about your wife, you asked me about whom did I assault and I have to recollect and I am thinking.  
(30)

Don't you remember assaulting your wife? -- No, I did not even assault her. She alleged that I assaulted her.

And it appears that this would have been the subject of a police inquiry. -- Not at all because it was proved beyond reasonable doubt that she was making allegations because we were divorcing.

Where was it proved? -- My superiors, they called me and they asked me and then I informed them and then they want to take the statement from the Marokka police station, the inves- tigating/...

C79.23

- 2250 -

MAMASELA

(10)

tigating officer also proved it that no, these people - she is estranged, because they are on a divorce in process with her husband and I divorced her as a matter of fact.

Can I just read what the complaint was against you. -- Right.

Do you understand Afrikaans? -- A little bit.

"Die lid sou klaagster na bewering met die gebalde vuur in die gesig geslaan het. Hy sou haar na bewering ook met sy rewolwer oor die kop geslaan het en het ook gedreig om haar te skiet indien sy sou skree." -- Nee, dit is absoluut - it is ridiculous, preposterous. It is all lies, allegations and they were never proved to be true and I refute them vehemently. (20)

Yes, like every other allegation. -- Yes.

What interests me more than that is that you must have remembered this incident. -- I did not remember it because it never occurred. I only remembered things that happened, that I can recollect that this happened, not allegations.

Are you saying to this commission that you forgot that in 1983 your wife made these allegations against you and there was a departmental inquiry about it? -- There no departmental inquiry to the best of my knowledge. There was an investi-tigation by Marokka police and I went there and I submitted my statement and they called my wife in and she admitted that no, she was cross (30)

with me because we were divorcing and then she withdrew her statement voluntarily. So, it is not a departmental inquiry that ... (intervenes)

Why didn't you mention this to us when we asked you about it? -- No, I do not understand your question because ...

CHAIRMAN: I do not think that is fair, Mr Pretorius. Allegations/..

C79.26 - 2251 - MAMASELA

tions which have led to nothing ... (intervenes) (10)

MR PRETORIUS: Or complaints.

CHAIRMAN: Or complaints that have led to nothing I can hardly take into account assessing ...

MR PRETORIUS: Was a docket opened? -- Probably it must have because I was called by the investigating officer and I put my case clearly to him and I challenged him that he must call my wife in my presence.

And did that happen? -- That did happen and my wife in front of the investigating officer said no, I am sorry, these are allegations because my husband and I, we are not on speaking terms. (20)

And that would have been written down in the docket, would it? -- I do not know, but the case - all I remember is that she voluntarily cancelled her case and there was nothing against that.

Hence I do not even recall it because it is the past.

Can you remember whether there was any charge laid against you in respect of that person who ran over the two women? -- No, there was no charge made against me. In fact the man got ten years for that.

I think I am finished, Mr Chairman. Thank you.

CROSS-EXAMINATION BY MR SKWEYIYA: Mr Mamasela, besides having given Nofemela a comprehensive hiding, as you call it, I take it that you never assaulted Dirk Coetzee or quarrelled with him? -- (30)

I did not know of his existence before 1982 and when we were at the farm in 1982 he had nothing, absolutely nothing whatsoever to do with me and to do with our work.

After '82, did you ever assault him or quarrel with him? -- If he confronted me and he wanted to assault me I will definitely/...

C79.29

- 2252 -

MAMASELA

definitely defend myself. I reserve the right to defend myself.

CHAIRMAN: No, no, all the question is you never had a fight with Dirk Coetzee. -- No, I never. (10)

MR SKWEYIYA: Now, the same applies to Tshikalange. -- No, no, I never had a fight with him.

You never had any quarrels with him also. -- No.

How many members were black, approximately, were there at Vlakplaas when you left Vlakplaas in the first place, approximately? -- There were about - I think it is about 40.

40? -- 40.

And to your knowledge how many members approximately are there at Vlakplaas to your knowledge now? (20)

MR MARITZ: Mr Chairman, I think I should object to this line of cross-examining. This information is rather sensitive and we would not want to bandy about exactly what the personnel's strength at Vlakplaas is for obvious reasons and I would object against this cross-examination.

CHAIRMAN: Where would it take us?

MR SKWEYIYA: Mr Chairman, with respect, I may now reveal the reason why I am asking the question, there is nothing confidential, if there are 40 members or 100 members at Vlakplaas, it makes no difference with respect. (30)

CHAIRMAN: Let us put it rather this way, are there still members

at Vlakplaas, a number of people at Vlakplaas? -- Ja, there is.

MR SKWEYIYA: But there are many? -- Yes.

And when you left Vlakplaas there were members, also black members of the police force there as well, is that correct? -- That is absolutely correct.

And/...

C79.30

- 2253 -

MAMASELA

And were there quite a number? -- I beg your pardon?

(10)

Approximately how many were they? -- We were all members of the police.

Approximately how many were they?

CHAIRMAN: No, the question is .. -- When I left?

Yes. When did you leave Vlakplaas? -- 1985 and I have already mentioned that there were approximately 40.

40 Askari's and policemen or 40 policemen or .. -- Approximately 40 Askari's and about four or five black policemen.

MR SKWEYIYA: And to your knowledge at the present moment

(20)

approximately how many black members of the police force are at Vlakplaas? -- I had long cut ties with Vlakplaas. I cannot answer that one. I do not know because I am no longer attached to that farm.

Before 1981 were you ever in Durban, you yourself? -- Before 1981?

Yes. -- Yes, a long time ago, I think in 197.. - '75, '76, '74, '75, somewhere there.

And had you gone there alone? -- Yes, we went - no, not alone, we went by Combi to watch Kaizer Chiefs play there.

(30)

Now, had you ever been in Durban at any stage together with firstly Nofemela? -- Let me think. I do not know whether, I was

in Durban ...

When? -- 198.. - I think it was 1984, if I am not mistaken, but if my work-card is here it can show exactly when I was there.

I think I was once or twice in Durban, '84 or somewhere there, '83/'84, not before that.

This one or two occasions when you went there, who was in your company? Who accompanied you, among the black members of  
the/..

C79.31

- 2254 -

MAMASELA

(10)

the force? -- No one because - I think '84 because I was driving Brigadier Cronje there. I was with Brigadier Cronje. I was his driver.

No, no, I do not think we are ad idem.

CHAIRMAN: The question is this before you became the driver of Brigadier Cronje .. -- No, I never went to Durban.

You never went to Durban? -- Never. I never went to Durban.

I only went to Durban to the best of my recollection when I was the driver of Brigadier Cronje. I was driving him down there and we stayed for a week and came back. We were just visiting our  
units. (20)

MR SKWEYIYA: Have you ever been there with Nofemela, in Durban at any stage? -- No.

You have never been there? -- I have never been there with him.

But I thought you said a few minutes ago that you had been there with Nofemela once. -- No.

CHAIRMAN: No, he was still thinking when - he did not answer that question to my recollection.

MR SKWEYIYA: So you had never been to Durban with Nofemela at all  
in your life time? -- To the best of my recollection I have never  
been with him there. (30)



No, please, you either remember whether you went there with him or not. Have you ever been with him there or not? -- It is difficult to remember things that happened ten, fifteen and even eight or seven years ago. I must think and as I say the best recollection that I can make of going to Durban was in 1984 whilst I was the driver of Brigadier Cronje and then I even put it to you, Sir, that if you can check my work-card it will clearly solve our dispute.

No, /...

(10)

C79.32

- 2255 -

MAMASELA

No, I am talking about Mr Nofemela. -- No, I do not ..

I am asking .. -- I do not remember.

Listen to the question, I am asking you whether you were ever in Durban at any stage in your life time together with Nofemela. -- No.

You have never been there with him? -- I have never been there with him.

Have you ever been in Durban at any stage in your life time together with Tshikalange? -- No. (20)

Have you ever been to Durban at any stage in your life time together with Dirk Coetzee? -- No.

And is the only time that you have been to Durban with Mr Cronje then? -- Yes.

That is the only time. -- Yes, the only time.

And that was for a week. -- It was for a week.

In '84. -- Yes.

Are you able to advance any reason whatsoever why Tshikalange says that you together with him and Brian, Nofemela were in Durban in 1981 and you killed Mxenge? -- I vehemently deny that and I have even ... (intervenes) (30)

CHAIRMAN: No, the question is simply this, can you think of a reason why Tshikalange would say that you were in Durban in '81 .. -- That one I can only speculate and my speculation that he was the garden-boy of Dirk Coetzee. He will say anything that his master wants him to say.

MR SKWEYIYA: But you have never quarrelled with Coetzee, is that correct? On your evidence you have never quarrelled with Coetzee. -- Yes.

Why should they choose you amongst 40 black policeman, Askari's? -- As I said before ... (intervenes)

(10)  
Why/...

C79.34

- 2256 -

MAMASELA

Why should they choose you in particular? -- As I said before it is difficult to answer that kind of question of Coetzee is not here himself. I want to know that from him because I can only speculate that the reason why he chooses me is because I was the only informer that probably he knew of in that farm and until this day I still maintain that I was the only informer turned a policeman in that farm. There is no other informer who turned a policeman to the best of my recollection and my knowledge, so I was an ideal person because they were talking about informers who were shooting people and then to hide away their dusterdly(?) deeds now they think of informer Joe Mamasela. That is my speculation.

Well, as informer they would have thought - if someone else was there also, not only you, why pick on you. That is all, Mr Chairman, thank you.

EXAMINATION BY MR MARITZ: Mr Chairman, I have only two issues which I wish to raise. The first one is - it is not really a question.

I just wish to record that the personal file of the witness shows

that he was never charged at Ermelo with assault or with any other sort of inquiry. Mention is made in the file of a charge inter alia of assault at Piet Retief which the witness has dealt with.

It is not clear from the file whether he was charged with other crimes or not. That is the one observation. Now, the questions are the following: The one is this, Mr Mamasela - yes, obviously the file also shows that the charges were dismissed against the witness.

In reply to a question, I think, by my learned friend Mr Kuny you said that you did not carry documents with you because you thought that such documents could incriminate you. Do you recall giving that answer? -- Yes. (10)

What/...

C79.37

- 2257 -

MAMASELA

What exactly did you mean by that answer? Could you explain it, please. -- No, by that I meant if I carry police documents with me and I am supposed to infiltrate political organisations and they find that out, automatically they are going to kill me, so I am going to incriminate myself that I am an agent of the South African Police, so I never had to carry documents of that sort with me. I was given instruction not to do that. (20)

CHAIRMAN: Yes, but apart from carrying documents with you, I think that was more the question, did you not have to write any reports? - Yes, like I said not before 1985. We were requested to write reports from - we were given pocket-books in 1985 whilst I was working in - early '85 whilst I was working in Cape Town, then we wrote our reports. That is the pocket-book that I even said I can present to the commission if the commission so wishes. (30)

MR MARITZ: Now, your physical powers, you mentioned that you were a boxer. -- Yes.

Did you attain any specific level of expertise in boxing?  
-- Yes, I was the runner up to the South African championship in 1975.

In which weight division? -- In the welter weight division, that is 65-66 kg.

NO FURTHER QUESTIONS

MR McNALLY: Mr Chairman, the next witness is Brian Ngqulunga.

Perhaps my learned friend could deal with any application he wishes to make in respect of the non-publishing of photographs and sketches.

MR MARITZ: Indeed, Mr Chairman, as mentioned earlier the originals of the affidavits have arrived now and I would crave

leave/..

C79.39

- 2258 -

ADDRESS

leave to hand those up to you. I am handing you the affidavit of Mamasela, Brian Ngqulunga and Major Van Niekerk.

CHAIRMAN: This one of Mamasela is the wrong one. This is the one I have.

MR MARITZ: I am so sorry.

CHAIRMAN: I mean this is his main affidavit, B132.

MR MARITZ: I am sorry. I have given you the wrong document. It is one of those things, gremlins, Mr Chairman, I had the original here a moment ago.

CHAIRMAN: But we can leave that for a moment. Mr Mamasela will be the 133, Ngqulunga will be 134, B134 and Van Niekerk will be B135. Mr Kuny, have you had a chance to consider Ngqulunga's request?

MR KUNY: Yes, the affidavit was handed to me a while ago and I have had a look at it. It is based on exactly the same grounds as Mamasela's affidavit and for the same reasons we do not really want to make an issue of it at this point in time.

(10)

(20)

(30)

CHAIRMAN: All right. Then under those circumstances I make the same order in connection with Ngqulunga as I have made in connection with Mamasela.

You may proceed. But this is - I have got Nzimande's affidavit. I thought we are dealing with Mr Ngqulunga.

MR McNALLY: Mr Chairman, while the secretary is sorting that out this witness made a previous statement which was EXHIBIT B24 and the statement which will be handed to you hopefully in a moment will then be B136.

BRIAN BOY ELLIOT NGQULUNGA d.s.s.

(10)

EXAMINATION BY MR McNALLY: Mr Ngqulunga, is it correct that on 26 October 1989 you made a statement at the time that I and General Conradie were investigating certain allegations made

by/..

79.42

- 2259 -

NGQULUNGA

by Mr Nofemela? -- That is correct.

And is it correct that the basics of that statement are that you say that you had read the statement made by Almond Nofemela and that your comment was that he must have been dreaming when he made this statement? -- That is correct.

(20)

Did you deny in that statement that you were a member of any police assassination squad and did you say that you knew nothing about it? -- That is correct.

Did you also deny in the statement that you knew anything about the killing of Mxenge, except for what you had read in the newspapers? -- That is correct.

Now we come to the more recent statement that you have made, EXHIBIT B136, which is in front of you dated 11 April 1990. Will you please read that statement to the commission starting from paragraph 1.

(30)

WITNESS READS OUR HIS STATEMENT, EXHIBIT B136, TO THE COMMISSION,

STARTING WITH PARAGRAPH 4.

Mr Ngqulunga, we heard from the previous witness that he was a boxer in the welter weight division, do you have any information as to your own weight? Do you know how much you weigh? -- My weight?

Ja. -- My weight is 56/57 kilograms.

CROSS-EXAMINATION BY MR KUNY: Do you have any idea why my learned friend Mr McNally has asked you about your weight? -- Not at all.

It is difficult to see the relevance. I take it that you are a physically fit and active person. -- Physically fit and active?

(10)

Hm. -- Please explain further, sir.

Well, are you a person who keeps in good condition

physically/...

C79.55

- 2260 -

NGQULUNGA

physically? -- Not very - I am training. I am just living a normal life. There is no specific training of keeping physical fit, but ... (intervenes)

In 1981? -- In 1981 - I am still living the same life.

You underwent a course of military training at the hands of the ANC. -- That is correct.

(20)

It seems as if it was a fairly comprehensive course covering a period of three months. -- That is correct.

It was military training in a strict sence, political training. -- That is correct.

Intelligence. -- That is correct.

What is meant by military engineering for example? -- Military engineering is the study of the reaction of the chemicals when they are mixed together.

Chemicals, what does that mean? -- It means when you mix certain chemicals they react negatively then that means they can cause an explosion.

(30)

Oh, I see. -- That is right.

In other words how to blow up things. -- That is correct.

And I take it you would also have undergone a fairly regular physical training course during your period as a military trainee.

-- Not physical course.

Nothing at all? -- Nothing at all.

Marching, running, doing exercises and so on. -- No. I was only concentrating on this one.

Hand-to-hand combat? -- No.

You never had such a course? -- No.

(10)

You come from the Natal area, Durban in fact. -- That is right.

So that whole area is well known to you? -- That is

correct./..

C79.58

- 2261 -

NGQULUNGA

correct.

Umlazi for example would be an area that you know well.

-- I know Umlazi.

Like the back of your hand? -- I would say I know it fairly well, but not like the back of my hand because I cannot tell which section, where that number is.

(20)

No, but you know Umlazi well. -- Fairly well.

Where do you live in Durban? -- I lived in KwaMashu.

I do not know, where is that in relation to Umlazi? -- Umlazi is on the southern side of Durban. KwaMashu is on the northern side of Durban.

And did you ever use to spend time in Umlazi when you lived in Durban? -- Yes, I used to visit Umlazi.

Is it a well developed area or undeveloped or let us take 1981, was it well developed in those days? -- I do not understand by saying well developed, Mr Chairman.

(30)

Well, built up. -- It is a built up area. During 1981 it was

a built up area with formed houses.

Did you frequently use to go to Durban? -- Yes.

After you left there I mean. -- Yes.

And since you have been in the police force, have you frequently gone to Durban? -- That is correct.

Do you still have family in that area? -- That is correct.

Are you still today stationed at Vlakplaas? -- No, I am not stationed at Vlakplaas now.

Are you still a member of the police force? -- That is correct, I am still a member of the police force.

(10)

Where are you stationed? -- I am stationed at the head-quarters now.

Do/...

C79.59

- 2262 -

NGQULUNGA

Do you not have anything to do with Vlakplaas any longer? -- No, I do not have anything to do except I have to go there maybe if I am being sent there, if I have to be sent there to see some of the Askari's, that is all.

(20)

CHAIRMAN: When did you leave Vlakplaas? -- That was in 1986.

MR KUNY: Now, you have been in the police force I gather since, a member of the police force since 1982. -- That is incorrect.

Oh, 1981. -- 1981.

So you have been a member of the police force for nine years. -- That is correct.

What is your rank today? -- I am a constable.

Is that the lowest rank? -- That is correct.

You have not risen since 1981? -- That is correct.

Is there any particular reason for that? - I cannot be able to explain.

(30)

I mean nine years at one rank is a long time. -- I cannot



explain that.

CHAIRMAN: Well, did you write any examinations to .. -- I have not yet written any examinations so far.

MR KUNY: Prior to that, how long were you - did you act as an Askari? -- Askari?

You personally, were you ever an Askari? -- Mr Chairman, I would like to have a definition of the word Askari before I answer the question.

CHAIRMAN: No, but we had people who worked at Vlakplaas, who did surveillance who were ex-ANC members.

MR KUNY: And if I am not mistaken you yourself used the word a moment ago when I asked you whether you went to Vlakplaas, you said you used to go there to see the Askari's sometimes. -

Yes/..

C79.61

- 2263 -

NGQULUNGA

- Yes, because he is an Askari as far as I know the word Askari, but now if you call me an Askari I would like you to define ..

CHAIRMAN: No, no, I think the police talk of people being Askari's, it is a police term. The South African Police has got - they call certain people Askari's, is that right? -- That is correct. (20)

And those people were stationed at Vlakplaas, is that right?

-- That is right.

Were you in police terms an Askari stationed at Vlakplaas?

-- Mr Chairman, I have got to give him two answers there.

Yes. -- As far as the Oxford dictionary, it defines an Askari ..

No, no, I say in police terms. Forget the Oxford dictionary.

I want to know in police terms, S.A. Police, not Kenya police, S.A. Police, were you an Askari in 1980? -- I would say yes, but definitely I do not fall under the Askari's but I would say I was (30)

with the Askari's, but I do not fall under the Askari's, although I was with them.

No, but before you became a member of the police in 1980, you see in May 1980 you went to Vlakplaas. -- That is right.

And you became a policeman in January '81. -- That is correct.

What Mr Kuny wants to know was from May 1980 to January 1981 were you an Askari or what were you? -- Yes.

MR KUNY: Mr Ngqulunga, I am surprised the way you are giving evidence about this, you were at Vlakplaas from 1980 until 1986 and you come to the commission today and you do not appear to know what is meant by the term Askari. Are you (10)

serious/..

C79.63

- 2264 -

NGQULUNGA

serious? -- I am serious because I had to look for the word Askari in the dictionary and I found that it differs from the term which has been interpreted to some other people like myself to be called an Askari.

No, but you know exactly what we are talking about when we talk about Askari's at Vlakplaas surely. -- I know that there are Askari's at Vlakplaas. (20)

And who are the Askari's at Vlakplaas? -- Sorry.

What is the category of people at Vlakplaas who are called Askari's? -- As far as I understand the category of the people who are called Askari's are the people who have been apprehended while on a mission and they fought with the police and after the police they are turned through the agreement with the police, I mean to work with them, but as far as I am concerned I deserted the ANC myself and came back. (30)

So you put yourself in a different category to the ordinary Askari. -- Definitely.

Because you were not captured. You handed yourself over.  
-- That is correct.

But basically doesn't the term Askari refer to those people who were once members of the ANC and who have been converted or retreated or whatever word you want to use, at Vlakplaas and have started working with the South African Police? Are they not Askari's? -- I cannot be able to answer that question. I do not understand it.

Well, you do not seem to want to call yourself an Askari. Do you set yourself apart from those people who fell into the category that you just described? -- As far as I have consulted the dictionary ... (10)

Well, leave the dictionary aside. -- I set myself apart.

You/..

C79.67

- 2265 -

NGQULUNGA

You set yourself apart. -- That is correct.

You put yourself in a superior position to them? -- Not exactly.

Well, why do you set yourself apart from them? What is the difference between you and them? -- Because I do not understand, Mr Chairman, by saying in a superior position. (20)

No, I am asking you why you set yourself apart and distinguish yourself from those people? -- Because the people, they have been caught on a mission. Some of them fought with the police, they had a shoot-out with the police. I never had a shoot-out with the police.

So there were a lot of people there, in fact it sounds as if most of the people there, had been involved in that kind of shoot-out before they had become Askari's, to your knowledge. -- As far as I know, yes. (30)

And you of course have the advantage of having now seen both sides of the picture. You were a member of the ANC having undergone training and you have now come over to the other side and have now become a member of the South African Police, so you know both sides of the picture. -- That is correct.

You know a lot about the enemy with which you have been dealing over the last nine years. Isn't that so? -- To answer your question, the enemy, please specify. Which enemy now?

Well, let us talk about the ANC. That is the enemy with which you were dealing for the last nine years. -- Yes, correct.

You know all about them from your own experience. -- Yes, that is correct. (10)

Good and bad experience, isn't that so? -- That is correct/..

C79.69

- 2266 -

NGQULUNGA

correct.

You after all went and joined the ANC voluntarily originally. -- That is correct.

You went to Angola and you underwent training. -- That is correct. (20)

And subsequently when you were suspected you then experienced bad treatment at their hands. -- That is correct.

You know about the objectives of you knew then about the objectives of the enemy against whom you were fighting, namely the ANC. When you came to Vlakplaas. -- That is correct.

You knew how well armed and equipped they were. -- I had some knowledge.

Well, you had insight into that. -- That is correct.

You knew the fact that they were infiltrating into South Africa. -- That is correct. (30)

And that their purpose was to bring about destruction, possibly death to people. -- That is true.

And in your capacity as a policeman, fighting against in-surgents, you had the job of trying to curtail this sort of activity. -- That is correct.

And you knew that you were dealing with a tough and ruth-less enemy. -- That is correct.

And you were fighting a no holds bar conflict. -- No holds bar conflict?

No holds bar, do you understand what I am saying? -- Please clarify that one, please. (10)

Well, the enemy was an enemy that did not fight according to nice rules and regulations, isn't that so? -- That is correct.

And in order to combat that enemy you had to act

similarly/...

C79.70

- 2267 -

NQULUNBA

similarly?. -- That is incorrect.

Why not? -- We have got rules in the police force.

(20)

Yes, what are the rules? -- We do not try to kill people but we try at - I mean our utmost to arrest them alive.

Yes, and if you cannot do that? -- It depends on the circumstances. The circumstances are the ones which depict the situation.

And were you not told that you were facing a total onslaught? -- We were told that we were facing a total onslaught, but we had to act with restraint according to the regulations.

Well, you had to act, you had to use all means at your disposal to stop that total onslaught presumably. -- That is incorrect, Mr Chairman. (30)

You were never told that? -- What we were told is to use

sufficient means unless the circumstances demand that your life is in danger.

And didn't you find that your life was often in danger? -- It has been in danger for some time.

Yes, and what did you do to try and avoid that danger or what did you do when you were out in the field and you were faced with that sort of danger?

CHAIRMAN: Well, the question is, and you say your life has been in danger for some time, was your life in danger during police operations? Has it been placed in danger? -- During police operations? (10)

Yes. -- Yes, it has happened.

Now Mr Kuny wants to know what did you do then.

-- There I fired in self defence because the enemy fired first.

MR KUNY:/...

C79.74

- 2268 -

NGQULUNGA

MR KUNY: You have never been in a situation where you fired first ever? -- Never.

You would not dream of doing that. -- Where I fired first? (20)

It happened in a criminal - I mean in a case where a person was approaching me very closely with a knife and then I

had to fire first because I could not turn back now. He was very close to me.

Was this in a private situation, not in the course of your duties or was it in the course of your police duties? -- This was in the course of my day off.

Your day off? -- That is correct.

And you say you fired, did you hit the person? -- Yes, I hit the person only to stop him from coming further because I could not turn back any more. (30)

What did you fire with? -- I fired low.

With what? -- With a .32, with a gun.

Which you were carrying with you at the time. -- That is correct.

And did you hit him? -- Yes, I hit him.

And did you wound him? -- Yes, I wounded him.

Did you kill him? -- No, he did not die.

What happened to you as a result? -- It happened that I was justified.

Are you saying you were acquitted? -- I never even went to court. The attorney general decided that my actions were justified. (10)

When was that, Mr Ngqulunga? -- It is quite some time to remember, probably by - I would say it was in late '81 or - very late '81, that is correct.

Was/...

C79.78

- 2269 -

NGQULUNGA

Was it a service firearm that you had on you? -- That is correct.

You know, what I was trying to get at in simple terms was that you surely learned to fight fire with fire, in other words you were confronted as a policeman with this revolutionary onslaught and you as a policeman were taught to (20)

act in a corresponding fashion in order to try and stop the onslaught? -- Not in a corresponding fashion.

And is it correct that not only would you or would your particular group of people from Vlakplaas deal with a situation which confronted them but would also engage in pre-emptive strikes. -- I do not know about that. (30)

C80

You know what I mean by pre-emptive strikes? Going to attack

the enemy before he attacks you. -- No, I never heard about that from Vlakplaas.

You never heard of such a thing? -- Never heard about that.

Did you operate throughout the country? -- Throughout the country? In South Africa?

Yes. -- That is correct.

And outside South Africa? -- Never.

You had never been out of the country in the course of your police duties. -- Never. Since I came back from the ANC I never left South Africa.

(10)

Do you have a passport? -- No.

A travel document? -- No.

Never applied for one? -- No, it was not necessary because I did not want to leave South Africa.

But within the borders of South Africa in what sort of areas/...

C80.1

- 2270 -

NGQULUNGA

areas did you operate? -- In the cities, towns.

Which parts of South Africa? -- Cape Town, Johannesburg, Eastern Transvaal, Western Transvaal, Northern Transvaal, it is not necessary to mention towns but all the towns which are included in Northern Transvaal, east, west and south, the whole Republic of South Africa.

(20)

Well, looking at your work-sheet, it looks as if you travelled quite widely. -- I would understand so. I would agree with you.

And did you go out in groups? -- That is correct.

Did you go out in specific groups or were you mixed up? Is there one particular group of people with whom you operated? -- No.

(30)

Did you ever go out with Almond Nofemela? -- I used go to



out with him.

Did you ever go out with David Tshikalange? -- That is correct.

Did you ever go out with Dirk Coetee? -- That is correct.

Mr Joe Mamasela? -- That is correct - Joe Mamasela? Yes, that is correct.

What did you do when you went out on these operations? What was the purpose of going on these operations? -- The purpose was to go and identify the ANC operatives who have infiltrated the country whom we have seen and known from outside, of which we have got a positive identification of him.

(10)  
How would you have that positive identification? By way of a photograph or by way of your own personal recollection or how? -- By personal recollection because I have seen that person face to face. I have spoken to him outside.

So, /..

C80.3

- 2271 -

NGQULUNGA

So, you would just wander around, looking for such people or did you go to specific places where you had expected them to be or what would you do? -- We had been driving around looking (20) for them. There was no specific place that we have to go and look for them there.

And what would you do when you saw one? -- Then I just have to point him to the police and tell him that is so and so then the police will have to go and surprise him by arrest.

CHAIRMAN: But you became a policeman in 1981. -- That is right.

Why did you not or did you arrest them? Did you partake in arrests? -- Mr Chairman, the way the counsel has asked there was the question which I took it as if he referred before I became a policeman.

(30)  
MR KUNY: All right, so you are talking about when you were an Askari or in the position of an Askari. You do not like to call yourself

an Askari. Once you became a policeman what would you do? Would you arrest people yourself? -- Yes, we did arrest people myself.

Do you have the power of arrest as a constable? -- That is correct.

And did you arrest people?-- That is correct.

People whom you identified from your past life as having belonged to the ANC? -- Not who have been identified by me but who have been identified by the others because as far as I came back here I have not identified a single person in the street here of whom I have been with outside.

Are you saying since you became a policeman in 1981 you never identified one such person? -- I have no recollection of that.

But/...

C80.6

- 2272 -

NGQULUNGA

But you did prior to you becoming a policeman or didn't you then either? -- Still then neither I have no recollection of identifying one myself, personally myself.

So, can we say that since May 1980 you have never identified one single person as a member of the ANC with whom you had some contact or about whom you had some knowledge? -- No, except the ones whom I met in Vlakplaas, whom I have

already seen outside, although they were now free people.

But they were not the people whom you were - for whose arrest you were responsible? -- That is correct, yes.

So, we come back to the point that you have never identified anybody who was then arrested as a result of your identification, not so? -- That is so.

And that was for a period of 1980 and from 1986. -- That is right.

So, what were you doing all this time? Just driving around,

looking for such people? -- That is correct.

Without much success, without any success. -- On my side that is correct.

Maybe that is why you are still a constable.

CHAIRMAN: I think it is an unfair statement.

MR KUNY: No, that was a gratuitous comment, I withdraw that.

Mr Ngqulunga, you know that it has been said of you that you went to Durban in November 1981 and that you were involved in the murder of Griffiths Mxenge. -- No, Mr Chairman.

Well, it has been said, it has been alleged that you were. (10)  
-- Yes, I know that it has been alleged.

And not only has it been alleged by Mr Nofemela but also by Mr Tshikalange and by Dirk Coetzee, three of them had  
said/...

C80.7 - 2273 - NGQULUNGA  
said that you were involved in it. -- That is correct. I have read that in the newspapers.

And naturally you would never admit that, even if you had been involved, but you deny that you were involved? -- Definitely. (20)  
I was never involved there.

And I am sure that you cannot suggest any reason why they should put you on the scene when you were in fact not there.  
-- That question, it still remains a mystery to me as to why they had to pick on my name. It is a mystery to me.

Well, maybe it was not picking on your name, maybe it was that you were chosen because you had the knowledge that was necessary. You had the knowledge of the area. You knew Durban, you knew Umlazi and you knew where to take them and where to find a suitable place for him to be killed. -- As far as I am concerned (30)  
I know nothing about that.

And you know it is also said that when it came to the crucial

moment it has been suggested that you stood back while the others killed him, that you did not actually participate in the stabbing of Mr Mxenge. -- I know nothing about that.

Do you know the Umlazi stadium or the place that is being called the Umlazi stadium? -- In Umlazi there is Die Windmeul(?) stadium which is a soccer stadium, then there is another stadium which is called a cycle stadium.

Have you ever been shown the photographs of the area where Mr Mxenge's body was found? - No.

Did you give an affidavit or make - no, you would not make. (10)

You have never been shown the photographs or seen the area? -- No.

CHAIRMAN: Will you look at these colour photographs, B102. Which stadium is that? Carry on, there is more than one.

There/..

C80.9 - 2274 - NGQULUNGA

There are more photographs. Do you recognise that stadium? -- Bear with me, Mr Chairman, I am still looking because it seems as if some places have been built up, some of these shacks now. They do not appear very clear to me. (20)

MR KUNY: Don't you recognise the area? Would that be for example what you have described as the cycle stadium? -- All right let us see now. According to my last knowledge, it is a long time I have been to that area - it is quite a long time because I had no interest, but I knew where the stadium was.

Where was it? -- I identify it as - I am looking for just one directive, Mr Chairman, which is going to be ... (intervenes)

No, Mr Ngqulunga, what does it look like to you? Which stadium, if it looks like a stadium at all. -- I am giving this picture, this picture no. 1, although my memory is very vague about it. It is quite some time after I have gone there. (30)

CHAIRMAN: What do you think it is? -- It seems to have changed quite a lot here.

Yes, but what stadium would that be? -- This one would be the cycle stadium.

MR KUNY: Is that the stadium that you have described in your evidence as the cycle stadium? From your observation of that photograph. -- Yes, that is why I would say it is the cycle stadium.

And has that changed substantially since that time? -- I think it has been quite a dramatic change.

CHAIRMAN: More houses? More houses in the vicinity. -- That is correct. (10)

MR KUNY: But by the look of the photographs that would have been/...

C80.10 - 2275 - NGQULUNGA  
been - at the time the photographs were taken - a very quiet and fairly dark area.

CHAIRMAN: Dark area?

MR KUNY: Dark, yes, in the sense that there are no lights. (20)

CHAIRMAN: No, but this photo was taken in the daylight.

MR KUNY: Well, at night. Sorry, I mean a dark spot at night.

May I have a look at the photograph and I will explain what I ... (intervenes)

CHAIRMAN: Well, the point is, Mr Ngqulunga, there is no lighting in this area.

MR KUNY: That is what I mean.

CHAIRMAN: There are a few shacks or huts and there are no street lights or stadium lights. -- That is right.

It does not seem as if there is electricity in the vicinity. (30)  
-- Definitely. The last time I knew the place it was totally without electricity because it was only used during daytime.

MR KUNY: When did you last know the place? -- The last I knew the place was when I was passing with the train. It was when? About early 70's when I had a glimpse of the stadium, that this is the cycle stadium here and I had no interest on it as well but I knew - if somebody asked me where the golf course is, sorry, how far the golf course is from the stadium, I would say it is about so much distance.

So you knew where the stadium was. -- Sorry?

You knew where the stadium was. -- I know where the stadium is, but it is - although it is a bit changed there, but the shape of the stadium, it resembles it.

Well, let us talk about 1981, Mr Ngqulunga. In 1981 .. -- In 1981 ... (intervenes)

You/...

C80.11

- 2276 -

NGQULUNGA

You knew that there was such a place as the cycle stadium and you knew where it was. If someone said take me to it. -- Yes, I knew the cycle stadium.

And you also knew from your last observation of it that it was a place that did not have electricity or any lighting in the vicinity. -- Yes, that is correct.

When you were down in Durban in November 1981, was the whole Vlakplaas squad ;down there? -- I would say most of the people were down there, but I cannot remember exactly because we had been going in groups to different places. I cannot remember exactly.

Can you remember some of the people who were down there with you? -- That is correct.

Who? Name some of those that you can remember? -- It is Nofemela, Stephen Nbande, Thabo Maung, Mogage, I think Sipho was there as well and Bobby.

Tshikalange? -- Tshikalange? Tshikalange?

CHAIRMAN: He was at that stage still, I think, a student constable. -- Yes, Tshikalange was there, Tshikalange was there.

MR KUNY: Dirk Coetzee? -- Dirk Coetzee was there as the commander.

Vermeulen? -- Ah, no. I cannot be sure exactly of the number of people.

Paul van Dyk? -- Captain Van Dyk, I would say - Captain Van Dyk. He was there, Captain Van Dyk.

Joe Mamasela? -- Joe Mamasela was not there.

How do you know that? -- Joe Mamasela, I only knew him in  
early '82, that was - as I have stated here that was about March  
1982. (10)

Was/...

C80.11

- 2277 -

NGQULUNGA

Was that when you first met him? -- That was the first time I saw him in Vlakplaas.

Have you seen him before that anywhere? -- Never.

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