

INQUIRY INTO THE BOIPATONG MASSACRE

VEREENIGING

DATE : 1992-08-14

MEMBERS OF THE COMMISSION:

HIS LORDSHIP MR JUSTICE R J GOLDSTONE
ADV D J ROSSOUW (SC)
(Vice Chairman)
ADV M N S SITHOLE

ASSESSOR:

HIS LORDSHIP MR JUSTICE BHAGWATI
FORMER CHIEF JUSTICE OF INDIA

ON BEHALF OF:

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KWAZULU GOVERNMENT:
AND INKATHA FREE-
DOM PARTY

ADV L J L VISSER (SC)

HOSTEL DWELLERS:

ADV V BOTHA
MS F J VAN DER WESTHUIZEN

SOUTH AFRICAN
DEFENCE FORCE:

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ADV D PRETORIUS

MINISTER FOR LAW AND
ORDER; THE SOUTH
AFRICAN POLICE:

ADV P A HATTINGH (SC)
ADV W L WEPENER
ADV J L C J VAN VUUREN

PWV REGION OF THE
AFRICAN NATIONAL
CONGRESS: ANC (VAAL)
AND THE VAAL COUNCIL
OF CHURCHES:

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ADV D KUNY (SC)
ADV K S TIP

THE COMMISSION:

ADV J J DU TOIT

INTERPRETER:

MR J A BOOI

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THE COMMISSION RESUMES ON 14 AUGUST 1992

MR ROSSOUW: Before we continue with the witness, there was an inspection in loco at Boipatong last night where most of the legal teams were represented as I have it, well everyone, and perhaps we ought to allow time now for setting on record what was observed last night and I believe that each team must set down what they believe they observed and shall we start with you, Mr Chaskalson and work our way around?

MR CHASKALSON: I would be glad to record what my impressions were, I would also ask that Mr Tip and Mr Kuny be given the (10 opportunity to put on record anything that they may have seen and may wish to record, particularly since one of - at one of the observations I wasn't present at all.

My impressions of the inspection which I would ask to be taken into account by the commission when they consider the events, were these that we entered Boipatong township shortly after 10 o'clock. It may have been between a quarter-past and half-past ten because we were stationary at the Boipatong police station for some time and I myself was not aware of the time at which we moved in. We travelled along Lekoa Street and we -(20 I am just trying to get my map right - we turned right into Bapedi Street, and our first stop was in the vicinity of the house of the witness Jonas Ntombeni at 113 Bapedi Street. There was an Apollo light close to the house. The light consists of in effect, six globes which shine in different directions. At the time of our inspections only three of the six globes were functioning

MR ROSSOUW: And they were next to each other.

MR CHASKALSON: They were all next to each other in a bank and they cast light down Bapedi Street in the direction of Slovo (30 Park/....

Park. I am told that that would be east but they were going towards Slovo Park. Standing at Mr Ntombeni's house the visibility would depend to a substantial extent on the direction in which you were looking. If you were looking in the direction of Slovo Park or immediately outside his house where there was a pool of light, visibility would be good and you would be able to make out - be able to recognise people, identify clothing and the like. If you looked in the opposite direction, that would be westwards, looking out of the light into the shadows, the observation would have been difficult, (10 you would have been able to make out figures but you would have had great difficulty in identifying colours and details of what people were wearing.

It was close to this point that Mr Koty had made one of the observations which were referred to in his evidence. He had seen or he had in his evidence said that he had seen a Hippo from which people alighted wearing white head-bands in the vicinity of a church which is to the west of the point where we had stopped and from which we made observations. With the three lights not functioning the visibility conditions were (20 such that it would not have been possible from the point where Mr Koty said he was, to have seen white head-bands or indeed to have recognised clearly anything other than figures behind a Casspir which was parked and asked to stand there. It was not possible to make observations as to what would have been visible if there had been a pool of light from the other three globes and all that one could say is that if indeed there was a pool of light similar to the one which went eastwards down Bapedi Street in the direction of Slovo Park, it would have been possible to make observations as to colours and the like. (30

We then left that point. There was some debate in regard to whether the lights were on or off at the time, there were some discussions which took place at times when not all of us were present. My position in regard to that is that if there is to be any evidence, the evidence must be given before the commission by the witnesses concerned who can be asked by everybody to explain what they said and that we should not have any information at all put before the commission as to what somebody may or may not have said during the course of the commission at a time when not everybody was present and a time (10 when the witness was not questioned. That will be my position in regard to that.

We then travelled down Bapedi Street towards Slovo Park and we stopped at the end of Bapedi Street where it runs into what I think is Bakoena Street but it was at the last road before Slovo Park. It was there that Mr Koty made other observations because his house according to the evidence was just beyond, it was, I think it was at the junction of Bapedi Street and Bakoena Street where we stopped. At that point where we stopped, the lighting conditions were good and if the distances - it would (20 not have been difficult to make observations identifying people and clothing at that particular point.

At that stage, a number of people then left to look at the box which had been described in the evidence of Miss A. I was not present at that inspection, and I will ask someone else to place on record, I'll ask Mr Kuny who was there, to place on record what he saw and anything else that he may wish to say which I may have failed to record.

We then travelled I think to the house of the witness who is presently giving evidence, Mr Xaba and he was present, he (30 was/....

was asked first to stand at the gate of his house in the position in which he was on the night of the incident. He stood there, a Casspir was then asked to take up a position down the road in the direction so as that it would approach the house in the direction of the Casspir which Mr Xaba says that he saw in the course of his evidence. Two people were asked to stand in front of the Casspir and to be at a position four paces in front of the Casspir. Two others were asked to stand behind the Casspir, I cannot now record the distance but Mr Hattingh had the distance which he noted that the witness had said and (10 he had asked people to take up a position at that distance. The Casspir's lights were then put on and the vehicle with the two people in front and the two people behind travelled down the road towards the - in the direction of the house. The lights of the Casspir were very bright. Standing in the position at the gate where Mr Koty had taken up position - Mr Xaba had taken up position and looking up the road one would look directly into the lights of the Casspir and it would be extremely difficult in those conditions to make out any detail. One would be able to see the figures and it may not be an (20 appropriate word, I would call them more of a silhouette because of the people in front who had the bright lights shining on their back, you would not be able to - the people standing in the front were dressed in darkish clothes, not in whitish clothes, certainly last night, looking at those people it would not have been possible to identify clearly their clothing or head-bands. It would also not have been possible from the distances which were pointed out to see behind people, behind the Casspir in the position in which the witness had indicated. As the vehicle came closer to the house, so the opportunities (30 for/....

for observation got better. Indeed, the visibility conditions were much better without the lights of the Casspir. When the lights of the Casspir were off, one could see considerably more than one could see with the lights of the Casspir on and if one stood at the side not looking into the lights of the Casspir once again, one would have a different opportunity for observation.

The only other point of relevance I think as far as that particular incident was concerned that once again there was an Apollo light. It was the - I think the same Apollo light that(10 we had observed in the vicinity of Mr Ntombeni's house but the three lights which were off, if they had been on, would have been shining in the direction of the witness's house and he pointed to that and we observed that they were off on that occasion.

We then proceeded to a house, I think I will ask Mr Kuny to deal with that, because he was present at that observation and I wasn't, where we inspected some marks on the road which appeared to be the tracks of a large vehicle. At that stage it had already passed midnight and we - Judge Goldstone (20 decided that the time had now come for us to leave. We therefore left without having made any observations from the veld where Mr Koty, according to Mr Koty's evidence he had been lying in the veld at a position I think it is to the west of the township from which he had made certain observations. He - we also did not travel along Amatolo Street, which was a street which will apparently become relevant when another witness is expected to give evidence at a later stage.

On our way back to the hotel we stopped...(intervenes).

MR ROSSOUW: There were two further observations that were (30
made/....

made, I don't know whether you want to say anything about them. The one was that at the house of Xaba, when we had finished the demonstration with the Casspir, a group of people went eastwards down towards Slovo Park and stood there and then on the way out on the corner of Lekoa and Hlube Streets we also stopped before we went out of the township.

MR CHASKALSON: Yes. As far as the first was concerned, when we were looking now in the opposite direction to that which I had described before, where according to the witness there were a group of some - I think it was some 50 people, a much (10 smaller group was assembled, I don't know the numbers, I think Mr du Toit and Mr Pretorius will have some figure, they were in dark clothing, they were not in light clothing, and they would have been in the position which would have been affected by - where the visibility would have been materially different or may have been materially different if the three Apollo globes which we have mentioned had been shining and certainly in dark clothing, and not in light clothing it would have been difficult to pick out the clothing that the people were wearing or to identify head-bands on such people, in the conditions which (20 we saw. Whether the same would be true if those three globes were shining and they were wearing white clothing, would not be possible to determine from lastnight's observations. I think I will have to ask Mr Kuny to deal with the other point, because I do not really remember it but we also on the way back to the hotel stopped at the garage to make some observations in the directions of the - what a witness had referred to as a soccer field in evidence. I think that what I forgot to put on record was that it was a clear night, there seemed to be no smoke around, it was a full moon which was fairly high in the (30 sky/.....

sky which obviously affected visibility conditions had conditions been different with a lower moon or whatever it may be the visibility may have been different or would have been different and from the garage I think it seemed possible or somebody standing at the garage would have been able to see parked vehicles in what has generally been referred to as the soccer field and would also have been able to make out people crossing the road in the vicinity of the nursery.

Those are my impressions, they are not necessarily entirely complete, I do not have any notes because I was not making notes⁽¹⁰⁾ they are my recollections of the events. I hope they are accurate but I will ask Mr Kuny and Mr Tip if they have anything which they would like to add and which they feel should be placed on record for the consideration of the commission.

MR ROSSOUW: Mr Kuny?

MR KUNY: Thank you, Mr Chairman.

Mr Chairman, to add to what my learned friend Mr Chaskalson has said, I accompanied various members of the legal teams and the commission and Mr Sithole to the shack in Slovo Park at which the witness Miss A had described what had happened to her,⁽²⁰⁾ to her mother and her brother, and her younger brother. There is a small shed roughly of the size that was described here after our first inspection in - during the day last week, and the opening of that shed, it has corrugated iron sides and a fence at the back, a sort of fenced back and an open front, faces roughly southward and to the south of Slovo Park, I would say more or less due south-southwest is an Apollo light some distance away which seems to cast quite a lot of light onto Slovo Park so that the area in front of the shed and outside the house which is an L-shaped house, was particularly well lit⁽³⁰⁾ to/....

to the extent that one was easily able to distinguish black faces and white faces and in fact distinguish individuals quite comfortably so that there is a bright area outside of the shed and slightly into the shed, but the moment one gets deeper into the shed it of course gets darker as the light does not penetrate deep into the shed. At that point, the legal team for the police asked Miss A certain questions as to where various people were and asked her to point out positions. I did not hear the whole of that questioning, I think some of it may have found its way onto the attorney for the police's dictaphone and we (10 will see in due course what she said and what description she gave, but basically I think it was to point out the position where her brother had been attacked, where her mother had been attacked and everyone was standing more or less in that position and could see and be seen quite clearly.

The other point on which I would like to add to what my learned friend has said, is that when we were looking down Majola Street from where Mr Xaba said he saw the group to the east of where he was, and there was a group of people standing probably about ten or twelve people in roughly in the position (20 where he said he saw a group of about 50, although those people were dressed generally in darkish clothing and were standing still for the main, one could make out figures there quite clearly and if that area had been better lit by Apollo lights or if those people had been dressed in lighter clothing there would have been no problem in seeing them and in seeing their movement both at the side of the road and on the road itself.

Then insofar as the other stop is concerned, I think it was at the corner of Hlube Street and Lekoa Street, that was at 761 if I am not mistaken, Hlube or Lekoa Street, it is a (30 corner/....

corner house which has a sort of wrought-iron fence which is not rectangular but which has a corner, an angled corner to it and it was pointed out that that portion of the wrought-iron fence had been knocked down and driven over by a Casspir on the night in question and there were tyre marks of the Casspir in the property itself as it entered that property. The road at that point is particularly wide and there is a fairly wide, if one can call it that at all, sidewalk portion as opposed to the roadway itself.

We did discuss the reasons why the Casspir went into the (10 property, that is not relevant to this observation, but the position in which it went in and the manner in which it went in was noted by all of us at that point.

MR ROSSOUW: Mr Tip?

MR TIP: Thank you, Mr Chairman, I have nothing to add.

MR ROSSOUW: Mr Hattingh?

MR HATTINGH: Mr Chairman, as you have heard, our attorney had a dictaphone there and he dictated contemporaneously with the pointing-out of witnesses what our observations were. We have not had an opportunity to have that transcribed and we would (20 like to do that and then place fully before you our impressions of the inspection. By and large, Mr Chairman we agree with what our learned friends have said so far. May I perhaps at this stage say that when it was decided that the inspection should terminate, we still wished the committee to visit various other scenes including the house of Mrs B, who lived at the junction of Hlube and Bafokeng Streets, who said that she was in a bedroom and could see a Casspir coming on and turn left into Nqwenya, we did not visit that scene. My learned friend has already pointed out that we did not go to (30 house/....

house in Amatolo Street, we also wished the committee to go to the gate of - Cape Gate and to observe what could be seen from there and then as was pointed out the position where - I think it was Mr Koty says he was in the veld when he observed Casspirs coming out of the township and moving - and people moving along Boulevard Street in the - Noble Boulevard in the direction of the KwaMadala hostel.

Mr Chairman, as far as the pointing out by Mr Xaba at this stage I would like to place on record that we agree with what our learned friend Mr Chaskalson said but we would like to add (10 that in addition to it not being possible to make out the colour of clothes and to observe whether the people were wearing head-bands it was also impossible to clearly make out what type of firearms a person was - the people had with them and more particularly the magazines of those firearms, Mr Chairman.

Mr Chairman, at this stage I have nothing further to add and we would put our observations (mechanical defect) and submit it to the committee and our learned friends

MR ROSSOUW: Thank you, Mr Hattingh. Mr Mostert?

MR MOSTERT: I have nothing.

(20

MR ROSSOUW: Anything? Right, Mr Botha?

MR BOTHA: I have nothing to add.

MR PRETORIUS: Neither do we, Mr Chairman.

MR ROSSOUW: Thank you. Mr Hattingh, I believe you wanted to bring something else to our attention? Oh, sorry.

MR DU TOIT: Mr Chairman, I would just like to say my learned friend Advocate Chaskalson gave a very fair summary of what happened, that is my opinion.

MR KUNY: Mr Chairman, may I just add one thing in the light of what Mr Hattingh has said in relation to the firearms. (30

MR/....

MR ROSSOUW: Mr Kuny, I wonder whether that is wise? You know, I said everybody should put onto the record their impressions and we leave it at that.

MR KUNY: Yes.

MR ROSSOUW: Perhaps that is something that one can talk about at a later stage.

MR KUNY: Right.

MR HATTINGH: Mr Chairman, I would like an opportunity to deal with an article in the Vrye Weekblad of today. On page 5 of this newspaper, the following appears, the second paragraph (10 of the first column reads as follows:

"They were alleged by numerous witnesses at the same inquiry to have been actively involved in the Boipatong killings. ('they' being the South African Police) most recently and most damagingly by one of their own special constables, who said he saw a police armoured vehicle loaded with impi's and murderous intent, proceeding down one of the Boipatong streets while the massacre was still going on."

(20

Now, Mr Chairman, two things, points emerge from this: (a) We have had no such evidence so far, had no evidence of armoured vehicles "loaded with impi's and murderous intent" whatever that might mean "proceeding down one of the Boipatong streets". We have had no such evidence, but what concerns us more, Mr Chairman and that is what we would like you to take up, we are going to have evidence to the effect from a special constable that people were loaded into armoured vehicles, police armoured vehicles and proceeded along the street in the direction of Slovo Street. We have been given statements to that effect (30

of/....

of the next or one of the other witnesses still to be called. Now Mr Chairman, that can only mean that somehow this newspaper possibly got hold of that statement. I am not saying they did, but it is something that we would ask the commission to enquire into because that would amount to a very serious offence in terms of the Act, it would seem that somehow this newspaper got hold of certain information contained in a statement which was handed to the legal representatives appearing for the parties and we would request the commission therefore, Mr Chairman to ask its investigating officer, Colonel Heslinga, to investigate(10 this matter and if it is found to be that they indeed got hold of statements that they were not entitled to receive at this stage, that the matter should then be taken up.

MR ROSSOUW: Can I have a copy of that, of Sello's statement.

MR SITHOLE: Do they quote this statement verbatim or is it just the tenor of the article? I mean of the statement?

MR HATTINGH: They say "one of their own special constables". Now the other statement that we have is a statement from a special constable, Mr Chairman and as far as we are aware, there are only two special constables who are going to be called to (20 give evidence in front of this commission.

MR BHAGWATI: Does the statement of the next witness contain the same language approximately? "Murderous intent" and "loaded with impi's"?

MR HATTINGH: No, but it does refer to two armoured vehicles, police armoured vehicles stopping at a group of people armed with firearms and other weapons and that this group of people were then divided into two and loaded into two Casspirs from where these Casspirs proceeded in the direction of Slovo Park.

MR ROSSOUW: Mr Hattingh, I think that what we will do is to(30 take/....

take this under consideration and then come back at a later stage today.

MR HATTINGH: Mr Chairman, may I before we proceed with the evidence give you some information with regard to the possibility that there may be another Casspir with T2 written on it. You will recall the evidence of Major Davidson to the effect that faxes had been sent out to all police stations countrywide in order to try and establish whether there is another Casspir with writing "T2" on it. We have now had a response and the response is, Mr Chairman, that nowhere in the country is there (10 another Casspir with the writing "T2" on it at all. And I do not know whether this is going to be accepted. If not, then we would like to lead evidence to that effect, Mr Chairman.

MR ROSSOUW: Can we accept it?

MR CHASKALSON: Well, I am sure that we will be shown that and we have got a lot of time as far as that is concerned, but there was one interesting observation arising out of that which may be totally irrelevant, but while we were at the premises outside Mr Koty's - Mr Ntombeni's house where we stopped, there were a number of Casspirs present, one of the Casspirs which (20 went past had on its back door a number "AC-1" which seemed to be chalked, but it may have been painted, I do not know and on the side it had an entirely different number. I think we all saw that and I merely mention that as something which we saw last night. But certainly as far as an official call-sign "T2" is concerned, and if that is - we ourselves would obviously not be in a position to present any evidence. I have no reason to doubt the correctness of what Mr..(intervenes)

MR ROSSOUW: Can we make it common cause, Mr Chaskalson?

MR CHASKALSON: Yes, well I am sure - at the moment I have (30

no reason to doubt it or anything as far as that is concerned.

MR ROSSOUW: Thank you.

MR MOSTERT: I have got nothing to contribute.

MR SITHOLE: I may add that Mr Chairman, through you, that when we were at the corner of Bapedi and Senqu Street, two Casspirs arrived there, the one is the one you have just described with an "AC-1" and the other one that turned up Senqu Street, had something written on it on the left back door and what is written on it, it is either a "12", one two, or it is something to the effect of a "T2". The one that turned up (10 it has something written on it and I saw that, I saw the "AC-1" and I saw that other one

MR BHAGWATI: The one which went into Senqu Street?

MR SITHOLE: Yes, the one that turned up Senqu Street.

MR HATTINGH: Mr Chairman, we will ask our clients to go and take photographs of those, all the Casspirs that were in the area and then we can see what was visible.

MR SITHOLE: Ja.

MR ROSSOUW: Thank you. Let us get on. Mr Visser, will you accept it as common cause that there is no other Casspir with (20 the writing "T2" on it?

MR VISSER: I know that that is so, Mr Chairman.

CHAIRMAN: Thank you, can we continue? Can I call the witness in?

MR KUNY: Mr Chairman, I don't wish to add anything to what we said in relation to the inspection other than that in the light of the discussion which has now taken place concerning the T2 I should say it might have come to everybody's attention, I think it did at the time, that in the light prevailing at the time, as the Casspir moved past one, looking at that number, (30

T2, it looked white and not orange until it was directly opposite you at which point it looked orange and as it moved past in the light it looked white again.

MR ROSSOUW: Can I call in the witness, can we continue? Yes.

NTIETSA MOSTER XABA, still under oath:

EXAMINATION BY MR HATTINGH (Continued):

MR ROSSOUW: Mr Hattingh, you indicated that you had no further questions?

MR HATTINGH: Subject to last night's proceedings, Mr Chairman.

MR ROSSOUW: Yes, I hope you are not going to put anything (10
to him?

MR HATTINGH: I am not going to be long, Mr Chairman.

Mr Xaba, I want to put it to you that it was clear from last night's inspection that you could not possibly have seen what you described to this committee yesterday. -- But how do you say that? What must also be taken into consideration is whether there was any dark spot last night.

Now where was this dark spot?

MR ROSSOUW: Mr Hattingh, are we really going to contribute with respect to you, are we really going to contribute, to (20
contrast what he said yesterday against the observations that were made last night? Is that not a question for argument? You know, you have put this really to him in evidence yesterday in cross-examination yesterday, to re-open the cross-examination to put an observation that we made last night where exactly the same conditions do not apply, is going to lead to speculation on what was seen last night compared to some other night.

MR HATTINGH: Yes. Mr Chairman, we have already discussed our position in this regard and we are of the view that in the light of the fact that witnesses now, some of them, confirm that(30
that/....

that light was in the same condition as it was last night, at the night in question, one witness particularly said so, and - but in the light of the dispute that has now arisen about that we are going to at the next hearing apply for another inspection and we will see to it that the light then works, and I want to put it to the witness that even with that light working he would not have been able to see what he said he did.

MR ROSSOUW: But now we are speculating into the future.

MR HATTINGH: Yes. Well, I would just like to place that on record, Mr Chairman. Then I have no further questions. (10

MR ROSSOUW: Thank you. Mr..? Where do we go from here? I am sorry, I wasn't here. Mr Mostert, you have no questions, Mr Botha?

MR BOTHA: No thank you.

MR ROSSOUW: Mr Visser?

MR VISSER: Thank you, Mr Chairman.

Mr Xaba, we would just like to establish the status of the document which I am showing you now. Is that a statement that was taken from you by the lawyers after you gave a statement to the South African Police? (20

MR CHASKALSON: Mr Chairman, may we find out which lawyers are being referred to?

MR VISSER: Let him just answer my question first.

MR CHASKALSON: No, if it is one of my statements I would just simply like Mr Visser to explain to me how he got it? If it is not one of my statements then obviously he can identify what it is?

MR VISSER: Mr Chairman, I am asking the witness, because I do not have the evidence, I do not know what the evidence is. He referred to a statement which he gave to lawyers, and that is(30

all I am asking him.

MR ROSSOUW: Are you saying that you do not know where the statement comes from?

MR VISSER: I do not know which lawyers. This statement, Mr Chairman, I can tell you, was handed apparently I am told, on Wednesday to the members of the legal teams when this witness went into the witness-box.

MR CHASKALSON: That is the commission's statement, not the lawyers' statement, it was taken by Mr Pretorius, Mr Pretorius indicated yesterday when my learned friend was not here that (10 he took that statement and that he had - when he took that statement he did not have in his possession, either Mr Hattingh's statement or our statement, so I think that it..(intervenes).

MR VISSER: Well, obviously we were not here, Mr Chairman, and I just wanted to..(intervenes).

MR CHASKALSON: It should not then be put as a lawyer's statement.

MR ROSSOUW: Yes, I wasn't here either. Thank you for enlightening us.

MR VISSER: Yes, I am indebted to my learned friend, Mr Chaskalson. This statement, Mr Chairman, I wonder, can this be (20 given an exhibit number? I understand that this statement was not read into the record.

MR PRETORIUS: It will be exhibit 27, but I made it clear when I handed it out, this is like memory refreshment. I likened it to if you refresh your memory. It is just an aid. I don't know it can be handed in as exhibit 27, then, Mr Chairman.

MR ROSSOUW: It is not sworn you know, Mr Visser, and on the explanation that we have now I believe we should rather not make it an exhibit.

MR PRETORIUS: Yes, thank you, Mr Chairman.

(30

MR/....

MR VISSER: May I through the Chair enquire as to whether this statement or other statements which this witness has made are going to be made available to the commission? It does appear to us to be relevant to the credibility of this witness's evidence? It just seems incongruous to us that people are sitting with statements of a witness who is giving evidence under oath to this commission which they do not make available to the commission, Mr Chairman.

MR ROSSOUW: It is incongruous and it has happened.

MR VISSER: Totally incongruous, but I will leave that be. (10

(To the witness): Are you a Xhosa? -- No.

What ethnic group do you belong to? -- Zulu.

You are a Zulu. And your friend, Buthelezi that you spoke about, is he also a Zulu? -- Yes, that is so.

Do you have many friends and acquaintances living in Boipatong who are Zulu's? -- No, it is only Buthelezi.

I see. Are you a supporter of any organisation? -- (Mr Visser continues).

And I am referring to a political organisation? -- No.

You are not a member of Inkatha I take it? -- No. (20

And if we understand you correctly you have lived in Boipatong since the day of your birth? -- Yes, that is so.

That is apart from approximately eight days when you lived in Sebokeng? -- Well, except for visiting days.

Yes. Alright. The reason why you left with Sello and went to live in Sebokeng after the 17th of June of this year, was that because you feared for your life? -- Yes.

And was the reason for that because you were a Zulu or because you were a policeman or both? -- I fled because I am a member of the police. (30

Yes/....

Yes. And is it not a fact that directly after the events of the 17th of June in Boipatong, statements were made that the police were involved in the attack on the residents of Boipatong? -- No, I do not understand you, what statements are you referring to being made by who?

Statements in the press, on the television. Do you know about that? -- I have not heard that.

Alright let us talk about what the residents of Boipatong were saying to each other. Were they not saying: Its the police that are killing us? -- Yes, that they were saying. (10

And they will also say it is the residents of KwaMadala hostel, that came to attack us. -- Yes, that is so.

Alright we will come back to that aspect a little bit later. But it became so uncomfortable for you in Boipatong as a policeman that you had to flee for your life? -- Yes, that is so.

Now listen carefully: This happened on the 18th of June when people, residents of Boipatong came looking for you and they were asking where you were they wanted you and your fire-arm. -- Yes, it was on the 18th, but I did not say the residents of Boipatong came to me. (20

Yes, actually you are absolutely right. Who were these people who came to your house and spoke to your sister, and later spoke to you? -- They are people that are not known to be residents of Boipatong.

Were they these comrades from Sebokeng and from Sharpeville? -- I would agree to that.

And what you do then, if I understand you correctly is to escape from these comrades of Sebokeng and Sharpeville, you fled to Sebokeng, is that what you are telling us? -- Yes, that is so. (30

I see. In any event, by approximately the 21st according to your pocket-book, maybe a little later, you were given to understand that all was forgiven, you can come back to Boipatong?
-- Yes, that is so.

Who told you that? -- Of some of the people that had fled from Boipatong, people who feared to continue staying in Boipatong whom I came across in Zone-17 had said to me that the Vaal Civic Association got together and the question of the police was discussed. It was also said in that meeting that the chasing out of the township of the police is not proper. (10

So this was an official decision of the Vaal Civic Association, as you understood it, you could come back? -- What I said was that it had been said that it is not proper to chase the police resident in Boipatong out of Boipatong. This decision was taken in a meeting which I also attended.

Oh, that is the first time we have heard that you attended that meeting, you know?

MR CHASKALSON: No.

MR BHAGWATI: No, no that is not the first time. He said it in his evidence. (20

MR ROSSOUW: And it is in the statement.

MR VISSER: I have - then I am sorry. I heard him say yesterday Mr Chairman that he did not attend meetings because he was prohibited from doing that by the police, but if..(intervenes).

MR BHAGWATI: No, that was the political meetings he said but he said he attended the meeting of the Vaal Civic Association.

MR VISSER: Thank you, Mr Chairman. And if there is anything else that flows from Wednesday that I am not aware of, please draw my attention it, Mr Chairman. I do not want to be unfair to the witness. (30

(To/....

(To witness): Alright. The fact of the matter is this: Do you know whether it is still today, the attitude of the residents of Boipatong that the attack came from KwaMadala hostel? -- I do not understand you.

The people in Boipatong, yourself included, where do you think did the attack come from? -- We think they came from Kwa-Madala hostel.

Yes. It would be unpopular, to say the least to adopt an attitude today in the witness-box to say that the attackers came from somewhere else, in your position. -- No. (10

Just as unpopular as it would be for you to say that you have knowledge that the police were not involved in that attack. It would not be a popular thing for you to say, not so? -- No.

No, what? -- It would not cause me to be unpopular.

I see. Alright. Yesterday during your evidence, were there members of the community of Boipatong present in this chamber listening to your evidence? -- (Were there members of Boipatong..?)

Yes, of the residents of Boipatong, were there some of them present here that he could identify? -- I did not see (20 them.

I see. Let us look at this question of KwaMadala hostel. How do you view the residents of KwaMadala hostel, and allow me to make it as easy as possible for you: Do you regard them as Zulu's or do you regard them as Inkatha members or as both? -- I do not understand you, what do you mean by Zulu's?

Who are the..(intervenes). -- Zulu's by birth?

Who are the people who live in KwaMadala hostel, Mr Xaba? -- I know them to be people who do not want to live in peace.

Alright. You described the people that perpetrated the (30 attack/....

attack as Inkatha members. Do you remember that? -- Yes, that is so.

My learned friend Mr Chaskalson wants to know where he said that. It was during the first four or five questions related to answers to my learned friend, Mr Hattingh. And you also told this committee, please help me if I am wrong, that you have observed, personally, that whenever they fought, these Inkatha people, they would shout "Izondi Inkatha". -- (Whenever they..?)

They fought, they would cry, "Izondi Inkatha". -- Yes.

And please again tell me if I am wrong, well let me ask you⁽¹⁰⁾ the question: Were you asked what "Izondi Inkatha" means yesterday when you gave your evidence? -- I was asked when I made my statement, I don't know what that is.

And did you not present as an explanation the fact that you are actually a Sotho and that is why you do not know? -- (Mr Visser continues).

Did you say that, or not? -- I have not said that.

Alright. -- But the fact is I actually speak Sotho.

I see. Does this mean that from your personal experience that if a group of people was attacking other people and they (20 were not shouting "Izondi Inkatha" that that would be an indication that it is not people of Inkatha, is that your evidence? --(Are you saying that if people..?)

Alright, let us put it differently. Let us put it differently. On the evening of the 17th of June, did you hear anybody shout: "Izondi Inkatha"? -- Yes.

Where? -- This was shouted by the people I saw in front of the Hippo.

The two black men in the white overalls? -- Yes.

Did you tell Mr Pretorius that, when you consulted with (30 him/....

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